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THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)

Volume I, 1933

*(1st February to 21st February, 1933)*

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FIFTH SESSION  
OF THE  
FOURTH LEGISLATIVE ASSEMBLY,  
1933



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# Legislative Assembly.

## *President :*

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E. (Upto 7th March, 1933.)

THE HONOURABLE MR. R. K. SHANMUKHAM CHETTY. (From 14th March, 1933.)

## *Deputy President :*

MR. R. K. SHANMUKHAM CHETTY, M.L.A. (Upto 13th March, 1933.)

MR. ABDUL MATIN CHAUDHURY, M.L.A. (From 22nd March, 1933.)

## *Panel of Chairmen :*

SIR HARI SINGH GOUR, KT., M.L.A.

SIR ABDUR RAHIM, K.C.S.I., KT., M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

## *Secretary :*

MR. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

## *Assistants of the Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

## *Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

## *Committee on Public Petitions :*

R. K. SHANMUKHAM CHETTY, M.L.A., *Chairman*. (Upto to 13th March, 1933.)

1. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman*. (From 22nd March, 1933.)

2. LESLIE HUDSON, KT., M.L.A.

3. ABDULLA-AL-MAMÜN SUHRAWARDY, KT., M.L.A.

4. B. SITARAMARAJU, M.L.A.

5. C. S. RANGA IYER, M.L.A.



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THE  
LEGISLATIVE ASSEMBLY DEBATES  
(OFFICIAL REPORT OF THE FIFTH SESSION OF THE FOURTH  
LEGISLATIVE ASSEMBLY.)

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VOLUME I—1933.

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LEGISLATIVE ASSEMBLY.

*Wednesday, 1st February, 1933.*

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ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE  
MEMBERS OF THE LEGISLATIVE ASSEMBLY.

**His Excellency the Viceroy:** Gentlemen, in greeting Honourable Members this morning at the commencement of this Session of the Legislative Assembly, I feel sure I am voicing their sentiments when I say how sorry I am that Sir Ibrahim Rahimtoolah, the Honourable President, has been prevented by illness from attending today's proceedings. Before giving my usual survey of the various matters of public concern upon which Honourable Members should receive information, I wish to express my thankfulness for the fact that during the past few months there has been a most satisfactory change in the political outlook throughout the whole of the country, brought about, as I think, by a feeling of confidence in the belief that I and my Government are striving with absolute sincerity to advance as rapidly as possible constitutional reforms and at the same time to secure peaceful conditions which are so essential in starting our new form of administration whereby Indians will be given the control of their administrative affairs.

It is not my purpose today to say a word on what I believe to be the reasons for this change. My object is to express my thanks to all those who are mainly responsible for bringing it about.

To the members of all the Services throughout this country I tender my grateful thanks for the devoted and loyal manner in which they have carried out their duties during the past two years, which has been a period of great stress and strain, during which we have been faced with an economic depression which has been unparalleled in our history.

My thanks are also very sincerely due to Honourable Members of our two Legislative Chambers for the helpful guidance and criticism they have given us in the discussions and decisions we have arrived at in regard to such Legislative measures as we have laid before them during the past months.

[H. E. the Viceroy.]

And, lastly, my thanks are very specially due to every class and interest in this country for the steadiness and fortitude with which they have all withstood the difficulties of the unprecedented economic depression which might well have caused considerable unrest among the vast population we have to care for.

The clouds of that depression are still over us, but I am full of hope that they will soon disappear, and that if we continue to co-operate together, each in our way towards better days, India will be amongst the first of the countries of the world to take advantage of an economic revival.

I do not propose to deal at any length with Foreign Affairs, since happily there is little information to give Honourable Members of the past six months except that India's relations with her neighbours have continued to be of the most satisfactory and friendly character. You will be glad to learn that our policy of peaceful penetration among the tribes of the North-West Frontier is producing excellent results, and I am informed that the administered districts of the North-West Frontier Province are enjoying unprecedented freedom from trans-border raids. I may also take this opportunity of acknowledging the friendly co-operation which we have received from the Afghan Government in dealing with the tribal problems on our common border. With regard to our other frontiers I must express my deep regret at the lamented death of His Highness the late Maharaja Sir Bhim Shumshere Jang Bahadur, Prime Minister and Commander-in-Chief of Nepal, whom I had the honour of entertaining in Calcutta little more than a year ago. This sad event has robbed Nepal of a distinguished statesman and India of a staunch friend, but we can find consolation in the fact that he has been succeeded by one whose qualities as statesman, soldier and friend give us all confidence that the association between our two countries will be as close and mutually helpful in the future as it has been in the past.

In September last I made a reference to the unsatisfactory economic position of the Indian agriculturist. There has been some further improvement in the situation since then, and such evidence as is available encourages the hope that the worst period of depression is over. The winter crops have been good in most parts of the country, and prices of agricultural produce, though still low, maintain an upward tendency. Meanwhile, wherever necessary, Local Governments continue to give relief by advancing loans and granting suspensions and remissions of land revenue cess. Of the special measures under consideration by certain Local Governments which I mentioned in my last address, the Central Provinces Debt Conciliation Bill is expected to be passed into law shortly. The report of the United Provinces Agricultural Debts Committee is now before the Local Government who are also endeavouring to find a formula for adjusting rent and revenue automatically with major fluctuations in prices without need for resort to courts.

The world-wide economic depression has inevitably had its repercussions on Indians overseas. In Ceylon and Malaya, Indian labour employed on the tea and rubber estates has felt the effect of the fall in the price of these commodities. Wages have had to be reduced, but my Government have endeavoured, successfully, with the co-operation of the Governments concerned, to prevent such reduction from adversely affecting the labourer's standard of living. For those who are unwilling to work on reduced

wages facilities for repatriation to their homes in India have been secured. Our Agents in both countries are watching the economic situation carefully with a view to safeguarding the interests of Indian labour. In South Africa also unemployment is common among Indians, especially in Natal, but our Agent there has made representations for relief to the Union Government which we have reason to believe have proved fruitful. The only other point which I need touch upon before passing from this subject is the appointment last October by the Union Government of the Commission to enquire into the occupation of proclaimed land by Indians in the Transvaal. The Commission, which is presided over by Mr. Justice Feetham of the Supreme Court of the Union, has started work, and my Government await its report with keen interest.

I followed with keen interest your proceedings during the last Session with regard to the Trade Agreement which had been made at Ottawa by my Government with His Majesty's Government in the United Kingdom, and it naturally afforded me the utmost satisfaction that the decision at which you arrived after prolonged consideration confirmed the action which my Government had taken in sending their representatives to the Imperial Economic Conference and in concluding a Trade Agreement. That your decision was a wise one I firmly believe, and I shall look forward with great interest to the results of the periodical examination which you have decided to impose on the working of the Agreement in order to test in the light of actual experience its effect upon Indian commerce and industry. I sincerely trust that this new departure in our tariff policy will be found to have justified itself and to have been of definite assistance towards that revival of commercial prosperity which we all so anxiously desire to see effected.

In my speech at the opening of the September Session I apprised Honourable Members of the notable success achieved by the Army authorities under the direction of His Excellency the Commander-in-Chief in reducing the cost of Defence; and I then indicated that the limits of retrenchment had almost, if not quite, been reached. Since then, as part of His Excellency's schemes for economy, we have been compelled to disband certain famous units, whose long and distinguished records of service must command our admiration and respect. It is with the deepest regret that I have seen the names of the Pioneer Regiments disappear from our Army List, but I have no doubt that the traditions that they have created will be worthily maintained by those of the *personnel* who are being transferred to other units of the Army.

Another measure that you will shortly have to consider is one that aims at reducing the cost of the Auxiliary Force. Our thanks are due to the units concerned for the spirit in which they have accepted the need for economy; and I think I can assure them that the measures we intend to introduce will not prejudice the efficiency of the Force as a whole.

I expect Honourable Members remember the several occasions on which I have emphasised the determination of my Government not to relax the measures in force against civil disobedience so long as the circumstances exist which make them necessary. I am glad to think that not only has that policy had the anticipated effect of reducing still further the proportions of the civil disobedience movement, but that it has commended itself to the judgment of an ever-increasing number of moderate men, who realise the harm done to the political and economic interests of the country by the disastrous policy pursued by the Congress. In order to prevent

•[H. E. the Viceroy.]

a recrudescence of the civil disobedience movement, it was necessary for my Government to ask the Legislature to strengthen the general law by the inclusion of a considerable number of the provisions of the consolidated Ordinance, which expired at the end of December. It is an invidious task for a Legislature to enact special, even though temporary, measures of this character, and it cannot be expected that a Legislature will shoulder that responsibility unless it is convinced of the reality of the menace from which the country requires to be protected. The experience, however, of the last few years has made that menace too plain to be ignored, and not only the Central Legislature, but the Legislatures in all those Provinces where the civil disobedience movement has been most intense, have with no uncertain voice given to the Governments the powers whereby the forces of disorder can be kept in check and to the country the prospect of a steady return to peaceful conditions. The Acts which are now on the Statute Book will not be permanent, but will be in force during the difficult period of transition from the present to the new constitution, when there is a special risk of certain elements in the population trying to substitute the methods of revolution for those of constitutional and orderly progress. I trust that when the period for which these Acts will remain in force has expired, those, in whose hands the power will then rest, will find themselves able safely to discard them, and that the threat which direct action presents to the evolution of constitutional self-government will have been destroyed. I regret that there are not as yet any open signs of a recognition on the part of the leaders of the civil disobedience movement of the harm their policy has caused to the country. Though their efforts to revive enthusiasm meet with little success, they still remain pledged to that policy. I am firmly convinced, however, that the march of events will gradually carry them further and further away from the sterile methods of negation and obstruction, and that in spite of themselves they will find that they are caught up in the living forces of constructive politics which the near approach of the new constitution is releasing on all sides.

I must refer once more to the sinister terrorist movement in Bengal. Shortly after I last addressed the Assembly, two serious outrages occurred, the dastardly attack on the Railway Institute at Pahartali, near Chittagong, and the second attempt, fortunately again unsuccessful, against the life of Sir Alfred Watson, Editor of the *Statesman*. Since then there has, I am glad to say, been some improvement in the situation. The Bengal Legislative Council have given the Bengal Government all the powers for which they have asked, and have passed a special Act aimed at the suppression of terrorist outrages, and a further Act which enhances the punishments for offences in connection with fire-arms and explosives, and, it is hoped, will operate as a deterrent to those who, either to assist the terrorist movement or merely for gain, smuggle arms into the Presidency. The despatch of troops to the Province has also had a reassuring effect on the loyal population, and I believe has helped to convince the anarchical elements that Government are prepared to use all their powers to stamp out this evil. But it is not merely by arrests and police measures that the movement can be eradicated. The Members of this Assembly have recognised that much can be done, by influencing public opinion, to warn the youth of Bengal against allowing themselves to become entangled in murderous conspiracies, dangerous to their country and ruinous to themselves. And I hope I am not too sanguine in thinking that I detect

signs that public opinion is ranging itself in a more practical way against the doctrines that lead these young men astray, and that there is a growing recognition that the success of these methods of terrorism would be fatal to the hopes of peaceful progress in the Province.

Honourable Members will doubtless have studied, with care and with interest, the reports as they appeared day by day in the Press of the proceedings of the Third Round Table Conference which concluded just before Christmas. As on the previous occasions my Government have made arrangements to bring out an Indian edition of the valuable reports which represent the labours of the Conference. I understand that copies are now available and have been supplied to all Members of the House.

Honourable Members will not expect me to review in any detail the work done by the Conference; but I may be permitted to pass on some of the general impressions it has left on my mind. From accounts reaching us a signal feature was the determination of all who participated in the deliberations, whether on the British or on the Indian side, to get to grips with the difficult problems with which they were confronted and hammer out practical solutions calculated to carry with them the greatest common measure of consent. I have been impressed by the workmanlike way in which one complicated subject after another was taken up and discussed, and the conclusions reached expeditiously recorded for future use and guidance.

My next impression is of the general goodwill which is so clearly seen to have animated the discussions. Even where differences of opinion have remained, mutual respect for views strongly felt has asserted an influence which is itself of good augury for the future.

My last and strongest impression is of work well done and another milestone behind us on the road of constitutional advance. There is no tarrying on that road. Steadily and surely the march to Federation proceeds.

Since their return from England I have taken the opportunity to meet individual delegates in order to place myself in direct touch with their views. From remarks they have made to me it is clear that the personal contacts they established at home with members of the British delegation have left them in no doubt of the evident intention of His Majesty's Government to press on to a conclusion the great work to which they have set their hand. There is one passage in the speech of the Secretary of State at the conclusion of the Conference to which I would particularly refer. You will remember that some pressure was put on the Secretary of State by members of the Indian delegation to enter a definite date in the Bill at which time the Federation should come into being. The Secretary of State explained the grave difficulties in the way of that suggestion, but gave two pledges, the importance of which has, I feel sure, not been lost on public opinion in this country. In the first place the Secretary of State declared that it is not the intention of His Majesty's Government to inaugurate any kind of provincial autonomy under conditions which might leave Federation to follow on as a mere contingency in the future. In the second place, speaking not only for the British Government, but for the British delegation as a whole, he stated that between now and the passage of the Bill His Majesty's Government would do everything within their power to remove any obstacles that may at present stand in the way of the Federation coming into being at as early a date as possible. These assurances were given as a declaration publicly made of the course His Majesty's Government have set themselves to follow.

[H. E. the Viceroy.]

Let us then pause for a moment and take stock of the position. The series of three Round Table Conferences has completed the period of preparation. It now lies with His Majesty's Government to place their proposals before Parliament. The broad lines of their programme are already known to you. They intend without loss of time to embody their scheme of constitutional reform in what is commonly described as a White Paper for presentation to Parliament. The White Paper, though not itself a Bill, will contain the definite proposals of His Majesty's Government. The public memory is sometimes short, so I take the liberty of reminding Honourable Members of the reasons given for the procedure contemplated. As the Secretary of State has said, it has been the intention of successive Governments that a Joint Select Committee of both Houses of Parliament should be called upon at some stage to examine the proposals for constitutional reform. In recommending to Parliament that this important task shall be performed before any Bill is introduced, His Majesty's Government (and here I am quoting the words used by the Secretary of State last year) hope to facilitate Indian co-operation and ensure its effective influence in what is probably the most important stage in the shaping of the constitutional reform and at a time before irrevocable decisions are taken by Parliament. The procedure Parliament will follow, once the White Paper has been presented, is of course a matter for Parliament itself to decide; but I have no doubt that the Secretary of State will shortly make clear the exact intentions of His Majesty's Government as regards the lines of future procedure and I am confident that places will be found for some representatives of the Indian Legislature among the persons to be called into consultation with the Joint Select Committee. In the meantime I disclose no secrets when I say that the present is a period of considerable official activity both in the India Office and here in the departments of my Government in completing material required for inclusion in the White Paper. I can understand the impatience of those who wish to see the White Paper and study its contents. It may be expected to give a complete picture of the constitution His Majesty's Government have in mind, both for the form of government in the Provinces, and for the Federal Government at the Centre proclaiming in its shape and composition the essential unity of this great country. Pardon me if I remind Honourable Members that the preparation of a document of such transcending importance requires the closest care and attention and that this brief interval, I can give Honourable Members the assurance that it is only a brief interval, after the conclusion of the Conference is essential to enable the task to be well and truly done.

There is one step of vital importance in connection with the new constitution with which all of you, gentlemen, as Members of the Indian Legislature, will be directly concerned. I allude to the setting up of a Reserve Bank. I need not repeat the statements of the Secretary of State in his reported speeches at the Conference on this matter, but you will appreciate from them that it will be necessary to pass a Reserve Bank Bill during the months which will now intervene before the inauguration of the new constitution. I trust that we shall find ourselves in accord with you on all the main conditions necessary for the creation of a sound and independent Bank, and I hope that it will be possible to make known to you before the end of this Session the programme for procedure in this matter.

As regards finance, I have some matters of interest to bring to your attention. So far as the Budgetary position is concerned I do not propose to anticipate the statement to be made in four weeks time by the Finance Member. But, as you know, important transactions have been proceeding recently as regards the public debt, and I think it may be appropriate if I take this occasion to tell you something of my Government's plans and expectations in this field. In all that we are doing now we have one paramount object in view, and that is to prepare the position for the Indian Government under the new constitution so that the financial foundations may be sound and so that the new Government may find itself freed from embarrassments in its early years. For this purpose it is particularly important that the large volume of short term debt maturing over the next few years should be converted into long term securities, so that the new Government may find itself freed from the anxiety of having to meet substantial loan maturities during its early years.

A second object of great and immediate importance is to take advantage of the improved credit of the Government of India to reduce the rate of interest payable on Government loans.

In order to achieve these two objects we have, ever since the turn of events gave us an opportunity last year, been working according to a carefully planned programme. Since June, 1932, we have now launched no less than four important loan transactions three of which have been completed. We started with a loan to meet our immediate cash requirements in June, and followed that in August with our first conversion operation. Then in the last ten days we have taken two more important steps, first a cash loan for 15 crores for which the subscription list was opened on the 23rd January and closed in half an hour heavily over-subscribed, followed on the 24th of January by the announcement of a conversion offer for three issues totalling over 50 crores which we have the right to repay during 1933. I think I may say incidentally that this must be a record in the financial history of the Government, and I note that one very enterprising weekly journal in Calcutta had to issue special supplements dealing with our loans in two successive weeks. These last two operations were, of course, closely connected, the first having been designed to reinforce the Government's cash position and to test the strength of the market as a preliminary to the second. It has been very gratifying that our plan so far has been attended with such signal success.

Now there is one feature about this programme to which I must call special attention. At each step the level of the Government's credit has been raised, and whereas in June last we borrowed on a basis of somewhat over 5½ per cent., the last transactions show Government's credit established very nearly at a 4 per cent. level. While this steady raising of our credit has strengthened our own position and will ultimately mean substantial savings in the Budget, the process has also brought considerable profit to those members of the investing public that have taken advantage of the opportunities thus successively offered. This in itself has helped to fulfil the important purpose of restoring confidence generally, and our latest reports from investment centres show that this confidence among investors is spreading. This must not only help the general recovery of business but will afford us opportunities of still further strengthening our own position, and it is our purpose to continue on the lines hitherto so successfully pursued. This, gentlemen, is all of happy augury for the future.



[H. E. the Viceroy.]

The steps which I have just described will, I hope, lead us towards greater economies in expenditure. But that is only one side of the picture, and on the other it is of equal, or perhaps even greater importance, to consider the economic development of the country. I think it is true to say that there is now in the world, and particularly in India, a growing sense that in present world conditions some sort of economic planning is necessary for every country. My Government is very much alive to this feeling and here again we have our eyes on the future and desire to prepare for the new Government measures for providing more accurate statistical information, and for evolving a co-ordinated economic policy. I hope that we shall shortly be able to make known certain plans in this connection which are now under our consideration. At the moment I wish to call your attention to one particular matter on which we are taking action which is an important illustration of the work which requires to be done in this field. Communications and transport are of vital importance in the development of every country, but more especially to a country so vast as India. The competition of road and rail transport has produced acute problems in many countries, and, although in India these problems are not yet so acute as in some other continents, it is essential that a properly co-ordinated plan should be prepared if we are to avoid the serious difficulties which are being faced elsewhere. A valuable report on this subject has just been completed for the Government by two expert officers and we propose as soon as possible after the conclusion of this Session to hold a conference at which all Provincial Governments, the Railway Board, and certain unofficial organisations will be represented. This conference will deal with questions such as the co-ordinated development of roads and railways, the methods by which such development may be financed, the taxation of motor transport and other kindred matters. It is a particularly appropriate occasion for the discussion of these questions, because after a long period of restriction in public expenditure we are now, I hope, approaching times, when, aided by the consolidation of our financial position and the improvement of our credit to which I have already referred, and with prospects of cheap money, we may be able to initiate plans which will not only permanently improve the economic productivity of the country, but in their execution help to set money in circulation which is so necessary in the present depression.

In leaving you to your duties I earnestly pray that sound judgment and a desire for mutual understanding and goodwill may characterise this Session of the Legislature and may thus carry India further forward to the fulfilment of her legitimate aims and aspirations.

The Assembly met in the Assembly Chamber of the Council House in New Delhi, at a Quarter Past Twelve of the Clock, being the First Day of the Fifth Session of the Fourth Legislative Assembly, pursuant to Section 63-D(2) of the Government of India Act. The Deputy President (Mr. R. K. Shanmukham Chetty) was in the Chair.

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#### MEMBERS SWORN :

- U Ba Maung, M.L.A. (Burma: Non-European);  
Mr. Andrew Gourlay Clow, C.I.E., M.L.A. (Government of India: Nominated Official);  
Khan Bahadur J. B. Vachha, C.I.E., M.L.A. (Government of India: Nominated Official);  
Mr. Arthur Gordon Leach, M.L.A. (Madras: Nominated Official);  
Mr. Pratap Chandra Dutt, M.L.A. (Madras: Nominated Official);  
Mr. Wilfred Wilmot Smart, M.L.A. (Bombay: Nominated Official);  
Mr. Charles Kenningale Seaman, M.L.A. (Central Provinces: Nominated Official); and  
Mr. Charles Frederick Grant, M.L.A. (Burma: Nominated Official).

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#### QUESTIONS AND ANSWERS.

##### POSITION OF INDIAN STUDENTS UNDER THE IMMIGRATION RULE IN THE UNITED STATES OF AMERICA.

1. **\*Mr. Gaya Prasad Singh:** Has the attention of Government been drawn to the immigration rule in the United States of America under which any immigrant student admitted as a non-quota immigrant under the provisions of sub-division (e), section 4 of the Immigration Act of 1924, who engages in any business or occupation, or who labours for hire, shall be deemed to have abandoned his status as an immigrant student, and shall be taken into custody and deported? How will this affect Indian students in the United States?

**Mr. H. A. F. Metcalfe:** The attention of Government has been drawn to the section of the Immigration Act of 1924 to which the Honourable Member refers. I understand that the United States Department of Labour have recently announced that they will henceforward enforce as strictly as possible Rule 10, Sub-division (D) of the immigration rules of January 1st, 1930, which reads as follows:

"Any immigrant student admitted to the United States as a non-quota immigrant under the provisions of sub-division (e), section 4 of the immigration act of 1924, who fails, neglects or refuses regularly to attend the school, college, academy, seminary, or university to which he has been admitted or who otherwise fails, neglects, or refuses to maintain the status of a *bona-fide* student, or who is expelled from such institution; or who engages in any business or occupation for profit, or who labours for hire, shall be deemed to have abandoned his status as an immigrant student, and shall on the warrant of the Secretary of Labour be taken into custody and deported."

The Department have, on the other hand, agreed as the result of protests from college presidents and educational authorities to interpret this rule so as to permit alien students to work in exchange for their room and board or in part payment for their tuition but not to obtain funds from employment outside the institution where they are studying or the lodgings in which they are residing. The rule as thus interpreted will affect Indian students in the United States in the same way as it will affect students of any other nationality and if they offend against the provisions of the rule they will be liable to arrest and deportation.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if there is any rule or law or Ordinance in India which prohibits alien students to come to this country for a special study and to be treated in the same way as the United States Government does?

**Mr. H. A. F. Metcalfe:** I am afraid I must ask for notice of that question as I have no information on the subject.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to say if there has been any instance in India in which such treatment has been meted out?

**Dr. Ziauddin Ahmad:** Or in any other country in the world?

**Sardar Sant Singh:** What was the practice in the United States of America before this rule was framed?

**Mr. H. A. F. Metcalfe:** Will the Honourable Member repeat the question?

**Sardar Sant Singh:** May I know what has been the practice in the United States of America up till the time this regulation was framed?

**Mr. H. A. F. Metcalfe:** I am afraid that my knowledge of the United States history is not sufficient to enable me to answer the Honourable Member's question.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if the Government of India approve of such treatment being meted out to Indians in the United States of America? If not, are they going to take any retaliatory measure?

**Mr. H. A. F. Metcalfe:** I would point out to the Honourable Member that the Government of India's approval is not necessary to matters within the discretion of the United States Government.

**Mr. Lalchand Navalrai:** Does the Honourable Member know that the Chinese Government and the Japanese Government and other Governments have, on occasions like this, actually retaliated in order to see that the interests of their countrymen are safeguarded and protected by making rules of a similar nature for the subjects of the foreign Governments concerned?

**Mr. H. A. F. Metcalfe:** I have no knowledge of any such retaliatory legislation.

**Mr. Lalchand Navalrai:** Will the Honourable Member make enquiries and take up this matter and get some protection for Indians?

**Mr. H. A. F. Metcalfe:** If the Honourable Member will put down a question on paper, I should be glad to do my best to obtain the information for him.

**Mr. Lalchand Navalrai:** My submission is this . . . . .

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The Honourable Member must ask a question.

**Mr. Lalchand Navalrai:** The Honourable Member said that Indian students were being treated in a harsh manner. I ask him whether the Government of India are going to give protection to them.

**Mr. H. A. F. Metcalfe:** I am unable to say what action the Government of India are going to take. If the Honourable Member will put down a question on the paper, I will do my best to give him an answer.

**Mr. Lalchand Navalrai:** May I ask whether my suggestion will be taken up or not, namely, that the United States Government should be told that this is a harsh rule and that it should be modified.

**Mr. H. A. F. Metcalfe:** I would point out to the Honourable Member that it is not for the Government of India to take such action. If they regard such action to be necessary, they can address His Majesty's Government, but whether they will do so or not is a matter for consideration.

**Mr. Lalchand Navalrai:** Will Government consider the necessity of it or not?

**Mr. H. A. F. Metcalfe:** The Government will certainly consider it.

**Mr. Gaya Prasad Singh:** May I know the approximate number of Indian students in the United States?

**Mr. H. A. F. Metcalfe:** I am afraid I must ask for notice. I cannot carry the information in my head.

**Sardar Sant Singh:** Has any representation been made by the Government to the United States?

**Mr. H. A. F. Metcalfe:** No. •

#### CONSTRUCTION OF THE NARBADA BRIDGE ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

2. **\*Mr. Gaya Prasad Singh:** (a) Is it a fact that the Narbada Bridge on the Bombay, Baroda and Central India Railway is shortly going to be constructed at an approximate cost of over a crore of rupees?

(b) Is it the practice in the case of State Railways that tenders are called and opened at a fixed hour in the presence of engineering representatives who compete for the work, but Company-managed Railways send sealed tenders to their Home Board for scrutiny there?

(c) Is it a fact that the proposed Narbada Bridge is estimated to consume over 13,000 tons of steel? Do Government propose to take steps to ensure that the manufactures of the materials at Jamshedpur should have the first preference in the supply and that the claims of Indian firms and constructional engineers in this country are not overlooked? If so, what?

**Mr. P. R. Rau:** (a) Yes.

(b) The practice on State Railways is as stated. I am not aware of the exact procedure on Company-managed Railways, but I consider it is most unlikely that such railways would send sealed tenders to their Home Boards for scrutiny as a general practice.

(c) The quantity of steel work involved is over 13,000 tons. Under the ordinary rules, the letting of a contract of this magnitude will require the sanction of the Railway Board who will take into account all relevant considerations before arriving at a decision.

**Mr. M. Maswood Ahmad:** Are Government prepared to enquire from Company-managed Railways as to the procedure they adopt about these matters?

**Mr. P. R. Rau:** I have no objection to do that.

**Mr. M. Maswood Ahmad:** Will Government be pleased to enquire what was the procedure they followed in this particular case, and will Government place on the table the result of their enquiry?

**Mr. P. R. Rau:** I have no objection to enquire and place the reply on the table in due course.

**Dr. Ziauddin Ahmad:** Will the cost of the bridge be borne by the Indian tax-payer or by the Company.

**Mr. P. R. Rau:** The cost will be debited to the capital account of the Bombay, Baroda and Central India Railway.

**Dr. Ziauddin Ahmad:** Who will pay it immediately?

**Mr. P. R. Rau:** The funds are provided by the Government of India.

**Dr. Ziauddin Ahmad:** Has the sanction of the Assembly been obtained for this purpose?

**Mr. P. R. Rau:** I believe it was included in the usual course in the estimates sanctioned by the Assembly.

#### ARREST AND DEPORTATION OF GURMUKH SINGH AND HARNAM SINGH OF THE PUNJAB AT KABUL BY THE AFGHAN GOVERNMENT.

3. **\*Mr. Gaya Prasad Singh:** Are Government aware that Gurmukh Singh and Harnam Singh of the Punjab have been arrested at Kabul by the Afghan Government and deported to Turkistan or elsewhere? If so, why?

**Mr. H. A. F. Metcalfe:** Yes. They are stated by the Afghan Government to have been intriguing against that Government.

**Sardar Sant Singh:** May I know whether the Government of India were informed of the pending action before they were deported?

**Mr. H. A. F. Metcalfe:** No.

**Sardar Sant Singh:** Was any enquiry made from the Government of India about their antecedents?

**Mr. H. A. F. Metcalfe:** No.

**Mr. S. C. Mitra:** Why were they deported to Turkestan and not to India, their native land?

**Mr. H. A. F. Metcalfe:** I am not aware exactly where they have been deported. I understand they were given the option as to where they should be deported.

**Sirdar Harbans Singh Brar:** Did the Government of India make any representation to the Afghan Government?

**Mr. H. A. F. Metcalfe:** The Government of India made no representations to the Afghan Government, since the matter concerned the internal administration of Afghanistan.

**Sirdar Harbans Singh Brar:** When did the Government get the information about their deportation?

**Mr. H. A. F. Metcalfe:** I cannot give the exact date.

**Sardar Sant Singh:** Approximate time?

**Mr. H. A. F. Metcalfe:** To the best of my belief, it was about two months ago, I cannot give the exact date without reference to the papers.

**Mr. Gaya Prasad Singh:** I gave notice about the same time.

**REMARKS MADE BY KUNWAR MAHARAJ SINGH TO THE DURBAN CHRISTIAN SERVICE COUNCIL.**

4. **\*Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to the following remarks made by Kunwar Maharaj Singh to the Durban Christian Service Council lately:

"The Indian people who have come here suffer under marked disabilities. They have no vote; they do not have the privilege of sending their children to European schools with the European youngsters; nothing is given by the provincial Council towards the education of Indians. There is almost complete segregation. The European and Indian communities do not meet except for business. On trains, trams, etc., there is complete separation. These disabilities are going to be serious problem. They are the cause of the ill-feeling that exists in India towards South Africa."

(b) How long have these disabilities been existing; and what steps have been taken by Government to have them redressed, indicating the time, and a brief description of specific steps taken by Government, and also the amount of success, if any, achieved?

**Mr. G. S. Bajpai:** (a) Yes.

(b) Indians in South Africa have been subject to a number of disabilities for many years. Honourable Member is referred to part 1 of Sir Benjamin Robertson's statement before the Asiatic Inquiry Commission for an account of the action taken by the Government of India from time to time before 1921 and of the measure of success achieved by them. For developments since 1921, I would refer the Honourable Member to statements at various times in this House.

**Mr. Gaya Prasad Singh:** Have the efforts of the Government of India succeeded in removing at least some of the disabilities of Indians in South Africa in recent times?

**Mr. G. S. Bajpai:** The efforts of the Government of India have certainly succeeded in averting fresh disabilities.

**Mr. Lalchand Navalrai:** How far have the efforts of the Government of India been successful? We know they have been making efforts.

**Mr. G. S. Bajpai:** I would point out that this question practically covers 40 years of representations and negotiations and it is impossible for me within the limits of a manageable answer to present a balance sheet of gains and losses.

**Mr. Lalchand Navalrai:** I want at least some idea whether the efforts have been fruitful?

**Mr. G. S. Bajpai:** My Honourable friend, if he would only recall to mind the number of deputations which the Government of India have sent and the number of occasions on which this question has been discussed in conference, would find that the Government of India have not been lacking in tenacity or assiduity of making representations.

**Mr. Lalchand Navalrai:** But the question is whether these efforts have resulted in gain?

**Mr. G. S. Bajpai:** My Honourable friend would not agree with my opinion, but I should say we have succeeded to a certain extent.

**Mr. Gaya Prasad Singh:** What is the exact measure of the success?

**Mr. G. S. Bajpai:** My Honourable friend does not seem to appreciate that the nature of the success in any particular case is to be related to the case itself. Here the question is about segregation, education and other matters. If he would ask me a specific question, I will give a specific answer.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member about the invidious distinction in trams and trains, has it been removed?

**Mr. G. S. Bajpai:** So far as trams are concerned my knowledge is that these are not matters of legislative action, that is to say, segregation is not enforced by means of rules or laws made under legislative authority. It is a matter of administrative action.

**Mr. Lalchand Navalrai:** With regard to these administrative acts also have the Government of India made any efforts to remove the inconvenience?

**Mr. G. S. Bajpai:** The Government of India have to devote their attention to matters of much greater importance than reservation of accommodation in trains.

**PROPOSAL FOR THE INTRODUCTION OF NEW SCALES OF PAY IN SERVICES MANNED BY INDIANS.**

5. **\*Mr. Gaya Prasad Singh:** Is there any proposal for the introduction of new scales of pay in services manned purely by Indians, and leaving over the question of the reduction of salaries of higher services, particularly the Indian Civil Service and the Indian Police Service, for adjustment at a later stage, on the plea that the concurrence of the Secretary of State has to be obtained for the purpose? What was the opinion of the Retrenchment Committee in this matter? What are the main outlines of the proposal, and what is the approximate amount of saving which it is likely to secure?

**The Honourable Sir George Schuster:** (i) The Government of India are now considering a proposal to introduce revised scales of pay for new entrants to services which are under their control. They also propose to place before the Secretary of State in Council their views in regard to the pay of new entrants to the Indian Civil Service and the Indian Police Service.

(ii) The proceedings at the meeting of the Retrenchment Advisory Committee, at which this matter was mentioned, were confidential and I, therefore, cannot make any detailed statement. The Committee as a whole recorded no recommendation on this subject; but certain members expressed views which I undertook to communicate to the Government before any decision was taken.

(iii) The proposals are not yet complete and I am, therefore, unable at present to state their terms or to attempt any estimate of the savings which will eventually result from them. As they would apply only to new entrants, the immediate savings are not likely to be large.

**Mr. Lalchand Navalrai:** Has the Honourable Member seen in the Press the report that the Secretary of State refused to make any reduction in the salaries of the Imperial Services? Is there any truth in that?

**The Honourable Sir George Schuster:** I have not seen the particular report to which the Honourable Member has referred, but all I can tell him is that the Government of India have not yet put the proposal to which I have referred in my answer before the Secretary of State.

**Mr. Lalchand Navalrai:** Then am I to understand that the Secretary of State has not made any declaration up to this time with regard to that matter?



**The Honourable Sir George Schuster:** I can only tell my Honourable friend that, to the best of my knowledge, the Secretary of State has not made any such statement.

**Dr. Ziauddin Ahmad:** Is the Honourable Member prepared to make any statement whether the ten per cent. cut will be continued in the year 1933-34?

**The Honourable Sir George Schuster:** If my Honourable friend will refer to the question paper, he will see that a good many of his own Honourable friends have put similar questions to me. I can anticipate the answer by saying that I am not yet in a position to make any statement on that point.

**Sirdar Harbans Singh Brar:** Will the Central Legislature get an opportunity of discussing the new scales of pay before Government take a final decision on the matter?

**The Honourable Sir George Schuster:** I think it is very unlikely that the Government of India will put a matter of pure administration of this kind before the Legislature.

**Mr. Gaya Prasad Singh:** Is this a foretaste of the nature of the coming reforms?

**ORDER TO QUIT DELHI ON MR. C. L. POLIWAL, PRESIDENT OF THE DELHI UNIVERSITY UNION.**

**6. \*Mr. Gaya Prasad Singh:** (a) Is it a fact that Mr. C. L. Poliwal, President of the Delhi University Union, was ordered to quit Delhi within 24 hours? If so, for what specific offence?

(b) Is it a fact that once he presided over a meeting at which Miss Ellen Wilkinson spoke; and, at another time, acted as speaker in the University Union over a debate on the Ottawa Agreement in which many Members of the Legislative Assembly also took part?

**The Honourable Sir Harry Haig:** (a) Yes, the action was taken under section 4 of the Special Powers Ordinance. Mr. Poliwal returned to Delhi on the expiry of the Ordinance and has given an undertaking not to act in a manner prejudicial to the public safety or peace.

(b) I have no information on these points.

**Mr. Gaya Prasad Singh:** May I know the exact nature of the offence for which this gentleman was asked to quit Delhi?

**The Honourable Sir Harry Haig:** I am afraid I cannot state on the floor of the House the exact nature of the information on which the Chief Commissioner acted, but I am satisfied that there was quite sufficient information.

**Mr. Gaya Prasad Singh:** May I know if the information in the possession of Government is confidential or if the Honourable Member is not in possession of the information on which action has been taken against this gentleman?

**The Honourable Sir Harry Haig:** The information is confidential.

**Sardar Sant Singh:** Do Government take a serious view of the action of students when they are debating in their own University Clubs?

**The Honourable Sir Harry Haig:** I can assure the Honourable Member that the action taken by the Chief Commissioner had nothing to do with the activities of this gentleman in the University Union.

**BUILDING IN CHANDNI CHOWK, DELHI, PREVIOUSLY OCCUPIED BY THE DISTRICT CONGRESS COMMITTEE, DELHI.**

**7. \*Mr. Gaya Prasad Singh:** (a) Will Government please state if the building situated in Chandni Chowk which was used by the District Congress Committee, Delhi, as its office, is in the possession of Government and is used as quarters for the lady police?

(b) When was the said building taken possession of by Government, and under what law?

**The Honourable Sir Harry Haig:** (a) Yes.

(b) The building was taken possession of in accordance with the Chief Commissioner's Notification No. 303-Home, dated the 12th January, 1932. This notification was issued under section 3 (1) of the Unlawful Association Ordinance, IV of 1932.

**Mr. Gaya Prasad Singh:** Are Government liable to pay rent for the building which they occupied?

**The Honourable Sir Harry Haig:** If my Honourable friend will refer to the Ordinance, he will find that that is not so.

**FUND FOR THE RELIEF OF DESTITUTE PERSONS IN DELHI.**

**8. \*Mr. Gaya Prasad Singh:** (a) Is it a fact that there is a fund at the disposal of the District Magistrate of Delhi, out of which provision is made to assist destitute persons in the matter of providing railway fares, fooding, etc.? If so, what is the name and amount of the fund, and how long has this fund been in existence?

(b) Is it a fact that not a single Hindu, Mussalman, or Sikh has so far been assisted out of this fund? Will Government kindly state separately how many Hindus, Mussalmans, Sikhs and Christians have been given assistance so far, and the amount spent separately on each community?

**The Honourable Sir Harry Haig:** (a) There is a provision, which stands in the current year's budget at Rs. 600, under the head "Charges on account of European vagrants". There is a further provision under a general head "Donations for charitable purposes", which includes among a number of sub-heads "Aid to Destitute Indians".

(b) The provision for European vagrants is naturally confined to this purpose. I lay on the table a statement showing the expenditure incurred in the last two years on aid to destitute Indians.

|         |   |   |    | 1931-32, |         |    | 1932-33 up to date, |     |         |    |    |
|---------|---|---|----|----------|---------|----|---------------------|-----|---------|----|----|
|         |   |   |    | No.      | Amount. |    |                     | No. | Amount. |    |    |
|         |   |   |    |          | Rs.     | a. | p.                  |     | Rs.     | a. | p. |
| Hindus  | . | . | 21 | 97       | 8       | 0  |                     | 15  | 126     | 0  | 0  |
| Muslims | . | . | 18 | 117      | 0       | 0  |                     | 9   | 78      | 0  | 0  |
| Sikhs   | . | . | 2  | 11       | 2       | 0  |                     | 1   | 4       | 12 | 0  |

**Mr. Gaya Prasad Singh:** May I take it that the statement includes the amount spent on European vagrants as well as that spent on Indians?

**The Honourable Sir Harry Haig:** No, Sir; I have said that the provision in the current year's budget for European vagrants is Rs. 600. The statement I have laid on the table refers to the expenditure under the sub-head "Aid to Destitute Indians", and divides it, as my Honourable friend requested, communally.

**Mr. Gaya Prasad Singh:** Have Government any objection to laying a statement giving the amount of money spent during the last two years on the first head, namely, European vagrants?

**The Honourable Sir Harry Haig:** I am certainly prepared to do that.

**Mr. K. O. Neogy:** Is European vagrancy on the increase in this country?

**The Honourable Sir Harry Haig:** Judging from the figures in Delhi it is on the decrease. At any rate the provision made for it is a decreasing figure.

**PORTION OF THE CANTONMENT AREA IN RAWALPINDI INCLUDING THE TOPI PARK USED AS A GOLF CLUB FOR EUROPEANS.**

**9. \*Mr. Gaya Prasad Singh** (on behalf of Mr. B. R. Puri): (a) Are Government aware:

(i) that a portion of the Cantonment area in Rawalpindi including the Topi Park is being used as a Golf Club for Europeans; and

(ii) that this Golf Club is a section of the Rawalpindi Club and as such is an *exclusive* Club to which every European, Civil or Military, official or non-official, tradesman or otherwise, is admitted but Indians, irrespective of their position, are excluded?

(b) Will Government be pleased to state :

(i) what the exact area occupied by the Golf Club is :

(ii) for how long the Club has enjoyed the use of this public property in the past and for how long in future are they permitted such use; and

(iii) whether the Club pays anything to Government, and, if so, what; if there is any lease deed executed, whether a copy of the same will be placed on the table of the House?

(c) Will Government be pleased to state their policy regarding the making over of public property for the exclusive use of a particular race, class, section or denomination of His Majesty's subjects and to the exclusion of the rest?

(d) Will Government be pleased to state whether they are prepared to give similar facilities to Indians to set up their own Golf and other Clubs to be run on racial lines in the Cantonment area and the Topi Park?

**Mr. G. R. F. Tottenham:** (a) (i). Yes, except that the Topi Park is not part of the Cantonment.

(ii) I understand that the Golf Club is a section of the Rawalpindi Club, and that the rules of the latter authorise the admission of Indians as honorary members of the Golf Club and other sports sections.

(b) (i). The Club occupies 57.5 acres in the cantonment. I have no information about the area in the Topi Park, which belongs to the Local Government and is outside the Cantonment.

(ii) The Club has had the use of the land since 1910. The existing lease for the cantonment portion will expire on the 15th April, 1935, and is renewable at the option of the lessee up to 30 years.

(iii) The Club pays a rent of Rs. 199 per annum for the land within cantonment limits. A copy of the lease is placed in the Library: it is too lengthy for reproduction in the proceedings of this House.

(c) When there is spare land in a cantonment, which is not immediately required for military purposes, the policy of the Government is to lease it to members of the public on commercial terms. All leases of land, whether for building, recreational or any other purpose, naturally convey exclusive use of the land to the lessee. The rules make no distinction between the various sections of the community; and there have of course been many cases in which land has been leased exclusively to Indians, including a certain number of leases of land for recreational purposes to Indian Clubs.

(d) If any Indian Club or association wishes to apply for spare land in the Cantonment for recreational purposes, the applications will certainly be considered.

#### AUCTION OF CONTRACTS FOR FRUITS, BETEL-LEAVES, CIGARETTES AND UTENSILS ON THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

10. **\*Rao Bahadur S. R. Pandit:** (a) Is it a fact that vending contracts for eatables at railway stations on the North Western Railway and the East Indian Railway with the exception of Moradabad Division are not auctioned and given to the vendors free?

(b) Is it a fact that on the Moradabad Division on the East Indian Railway contracts for fruits, betel-leaves and cigarettes and utensils have been auctioned this year? If so, why?

(c) Are Government aware that this auction of contracts on the Moradabad Division has caused great inconvenience to the travelling public on account of the poor quality of supply?

(d) Is it a fact that fruits, betel-leaves and cigarettes are considered as luxuries by the railway on the Moradabad Division and have, therefore, been auctioned?

(e) Are Government aware that these eatables are as great a necessity to the public as *puris*, sweets, bread, etc., contract for which is not auctioned?

(f) Do Government propose to stop the auctioning of such contracts to avoid inconvenience to the public who are directly hit?

**Mr. P. R. Rau:** (a) I understand vending contracts for eatables at railway stations on the East Indian and North Western Railways are not auctioned. On the East Indian Railway a small license fee is charged in addition to rent for the accommodation occupied. On the North Western Railway rent is charged for accommodation occupied, but a licensing fee is not charged, though a deposit is taken.

(b) On the Moradabad Division of the East Indian Railway tenders were invited for the sale of miscellaneous articles, *viz.*, brassware, shoes and leather goods, toys, durries, carpets, ebony and wood carving, etc. Fruit was not included.

(c) It is understood that no complaint has so far been received from the public.

(d) and (e). As I have already pointed out fruits were not included in these arrangements. I have been informed that betel-leaves and cigarettes are sold at current market rates determined by the Divisional Superintendent, and that the system of calling for tenders has not increased prices.

(f) I am sending a copy of these questions to the Agent, East Indian Railway, in order that he may take any steps necessary to see that the quality does not deteriorate.

**Mr. Lalchand Navalrai:** Are there any rates fixed for the sale of these articles by the vendors?

**Mr. P. R. Rau:** Yes: I believe the Divisional Superintendent fixes them according to the market rates.

**Mr. Gaya Prasad Singh:** Is it not a fact that tenders are called for for contracts for selling these articles on the East Indian Railway?

**Mr. P. R. Rau:** Yes; tenders are called for; but they are not auctioned. What really happens, as I understand, is that tenders are called for to find out who are willing to take up the work and then the Divisional Superintendent, in consultation, I think, with the local civil authorities, ascertains who is the most suitable person for the job and gives a licence to him and, at the same time, fixes the rates at which he has to sell the articles.

**Mr. Gaya Prasad Singh:** May I know if the man who offers the highest tender or the lowest tender gets the contracts usually?

**Mr. P. R. Rau:** No; it does not depend on the lowest or highest tender. I understand it depends on the suitability of the person.

**Sardar Sant Singh:** Is the local Advisory Committee consulted on this point?

**Mr. P. R. Rau:** I have no information as to that, but I should consider it to be most unlikely.

**Dr. Ziauddin Ahmad:** The Honourable Member said that the rates of station vendors are fixed according to the current market rates; may I know who is the authority who fixes the rates and the authority who scrutinises the rates?

**Mr. P. R. Rau:** The Divisional Superintendent.

**Mr. Lalchand Navalrai:** Are Government aware that the kind of food-stuffs usually supplied to Indian passengers on the East Indian Railway platforms are of an inferior quality?

**Mr. P. R. Rau:** No; I understand that no complaint has so far been received from the public. The railway administration does take steps occasionally to inspect the foodstuffs sold to the public.

**Mr. Lalchand Navalrai:** Is there any objection to the local Advisory Committee being consulted in the matter and will the Honourable Member be pleased to ask the Agent to consult members of those Committees, because they are the persons who are on the spot?

**Mr. P. R. Rau:** I am sure it is open to the local Advisory Committee to raise the question with the Agent at their periodical meetings.

**Mr. M. Maswood Ahmad:** Are Government aware whether there is any difference in rates at present and the rates two years before?

**Mr. P. R. Rau:** I have no information on the point; but I have been told by the East Indian Railway authorities that there has been no increase in prices owing to the system of calling for tenders.

**Mr. Gaya Prasad Singh:** Are Government aware that *dalis* are sometimes presented and accepted in these transactions?

**Mr. P. R. Rau:** No, Sir.

**Dr. Ziauddin Ahmad:** The Honourable Member said that the Divisional Superintendent fixes the rates: does he go to every station to fix the rates or is it done by the Station Masters?

**Mr. P. R. Rau:** All these rates are sanctioned by the Divisional Superintendent, I understand, in consultation with the local authorities.

**Dr. Ziauddin Ahmad:** That is the formal sanction, but who makes the first recommendation?

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**Mr. P. R. Rau:** I am afraid I do not know the details of this.

**Mr. Amar Nath Dutt:** Does the Honourable Member know that in these days people generally take their own food during the journey as the food supplied in these stations is not worth taking and brings on illness if one takes it?

**Mr. P. R. Rau:** There are various reasons for people taking food themselves rather than buy from the vendors.

**Mr. Amar Nath Dutt:** Is not the one which I have mentioned one of the reasons?

**Mr. P. R. Rau:** Possibly so; but I have no information in the matter.

**Mr. M. Maswood Ahmad:** Do Government propose to have inquiries made to ascertain whether the rates now charged on the East Indian Railway are higher than the rates in the open market?

**Mr. P. R. Rau:** Than the rates two years ago?

**Mr. M. Maswood Ahmad:** No: higher than the present rates even.

**Mr. P. R. Rau:** I have been assured by the administration that these rates are fixed by the Divisional Superintendents at current market rates; if my Honourable friend can give me particular instances where the rates are higher, I will certainly have an investigation made.

**Mr. M. Maswood Ahmad:** Take the case of lemonade: it is sold at two annas and six pies at stations, whereas it costs one anna and six pies outside for the same quality and brand.

**Mr. P. R. Rau:** It is quite possible that there is a difference in quality.

**Mr. Amar Nath Dutt:** Will the Honourable Member condescend to take this food during one of his trips to Calcutta—at Allahabad, Cawnpore, Patna and other places?

#### TENDERS FOR VENDING OF ICE AND AERATED WATER ON THE NORTH WESTERN RAILWAY.

11. **\*Rao Bahadur S. R. Pandit:** Is it a fact that tenders for vending of ice and aerated-waters on the North Western Railway were not called for last year? If so, why? Do Government propose to call for such tenders in future? If not, why not?

**Mr. P. R. Rau:** As regards the first part of the question attention is invited to the answer given to starred question No. 866 put by Bhai Parma Nand on the 7th November, 1932. As regards the latter part of the question the Administration reports that if the work of any licensee is found unsatisfactory, applications will be invited for the next season through advertisements in the Press.

**AZIMGANJ CITY RAILWAY STATION.**

**12. \*Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) whether there was a proposal for closing the Azimganj City East Indian Railway station in 1931;
- (b) whether there was a local representation for keeping up the City station then;
- (c) what the effect of that representation was;
- (d) whether the railway fares to and from Azimganj City were increased (after the representation) and, if so, why;
- (e) the total cost incurred for raising the ground level and erecting a fencing in the Azimganj City station recently?

**Mr. P. R. Rau:** (a) Yes.

(b) Yes.

(c) The closing of Azimganj City Station was deferred pending further enquiry.

(d) Certain enhancements were made to meet the cost of maintaining Azimganj City Station.

(e) Rs. 350.

**CONSTRUCTION OF A ROAD FROM AZIMGANJ CITY TO AZIMGANJ JUNCTION BY THE EAST INDIAN RAILWAY.**

**13. \*Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) whether there is a project for making a new road from Azimganj City to Azimganj Junction by the East Indian Railway;
- (b) if the answer is in the affirmative, the estimate for such a road;
- (c) what amount was incurred for the construction of the road up to the end of December, 1932;
- (d) whether it is a fact that there is already a metalled road of the local municipality and the railway between the junction and city station; and
- (e) if the answer to part (d) is in the affirmative, what are the grounds for making a new road and whether Government propose to stop further expenditure (towards the making of the road) in view of the financial stringency of the Railway?

**Mr. P. R. Rau:** (a) I understand that the East Indian Railway have such a project in view.

(b) Rs. 10,750.

(c) Nil.

(d) and (e). I understand there is no direct road. Further information is being obtained from the Agent of the East Indian Railway and a further reply will be laid on the table.



**TEMPORARY STAFF OF THE GREAT INDIAN PENINSULA RAILWAY ENGINEERING DEPARTMENT.**

14. \***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the number of the Great Indian Peninsula Railway Engineering Department's temporary staff who have put in more than five years service?

(b) Do Government propose to make the temporary staff mentioned in part (a) permanent on their average pay or on any other scale of pay?

(c) If the reply to part (b) be in the negative will Government be pleased to state for how long they want to keep them in temporary service?

**Mr. P. R. Rau:** (a) Government have no information.

(b) The scale of pay on which they are confirmed will depend on when they are made permanent. There is no question, so far as I am aware, of making any temporary staff permanent on their average pay.

(c) Government are unable to say when any of the staff will be made permanent. It depends on vacancies in the permanent establishment and their fitness for confirmation.

**RESERVATION OF POSTS OF ASSISTANT ACCOUNTS OFFICERS ON THE NORTH WESTERN RAILWAY FOR ACCOUNTANTS AND INSPECTORS OF STATION ACCOUNTS.**

15. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that eight posts of Assistant Accounts Officers in the North Western Railway are reserved for Accountants whose total strength is 32, whereas only two posts are reserved for Inspectors of Station Accounts who figure 38?

(b) If so, how can this discrimination be accounted for?

(c) Is it not a fact that the number of non-reserved appointments on the North Western Railway for which alone the Inspectors are eligible is disproportionately small as compared with the other Railways?

(d) Do the Railway Board propose to afford relief to this aggrieved class?

(e) In the case of the Inspectors of Station Accounts, are the Railway Board prepared to issue definite orders that at least the two posts of Assistant Accounts Officers, which are reserved for the Inspectors, should be given to them in the two vacancies that are shortly going to occur on the North Western Railway?

(f) Does the Financial Commissioner of Railways propose to adhere to the undertaking given by him on the eve of the separation of Audit from Accounts to the effect that the then existing rights and privileges of the men shall be protected?

**Mr. P. R. Rau:** (a) and (b). No. Out of eight posts of the Assistant Accounts Officer, six are reserved for selection by the Auditor General from employees in the Audit Department and the remaining two are available for members of the Railway Accounts Department including both accountants and inspectors.

(c), (d) and (e). The question is under investigation.

(f) My Honourable friend can rest assured that the Financial Commissioner will adhere to every undertaking given by him.

**Mr. M. Maswood Ahmad:** Will Government be pleased to submit the result of their inquiry?

**Mr. P. R. Rau:** I shall lay a statement on the table in due course.

**Dr. Ziauddin Ahmad:** May I know what was the original contract between the Railway Board and the Audit Department at the time the separation took place?

**Mr. P. R. Rau:** When audit was separated from accounts some years ago, there was an understanding that the Auditor General will have the right to nominate a certain number of these Assistant Accounts Officers.

**RELAXATION OF THE AGE-LIMIT FIXED FOR ADMISSION TO GOVERNMENT SERVICE.**

16. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that on account of the retrenchment, when no new recruitment is being made in services, candidates are likely to get over-aged for entrance into public service?

(b) Do Government propose to condone their age limit when the time comes to admit such new recruits into service? If not, why not? If yes, do Government propose to issue such a circular?

**The Honourable Sir Harry Haig:** (a) This is a possible contingency.

(b) I would refer the Honourable Member to the reply given by the Honourable the Finance Member to part (d) of Mr. Rahimtoola M. Chino's question No. 1081 on the 29th September, 1931. Government see no sufficient reason for relaxing the general rule.

**TEN PER CENT. EMERGENCY CUT.**

17. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state if it was not the express intention of Government to limit the operation of the ten per cent. emergency cut to March, 1933? If yes, is that cut going to be abolished from April, 1933? If not, why not?

**The Honourable Sir George Schuster:** I would refer the Honourable Member to the exact words which I used in my speech made on September 29th in this Assembly when introducing the Emergency Finance Bill of September, 1931. Apart from this I have nothing to add to the replies given to starred questions Nos. 143 and 1478 in the last Session.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to remind the House of what the Honourable Member said?

**The Honourable Sir George Schuster:** The Honourable Member can, I think, look it up for himself.

**Mr. Lalchand Navalrai:** That will result in not allowing supplementary questions: however I shall put one. Will the Honourable Member be pleased to state whether it was not the intention of the Government to restrict it to the time which has been mentioned in this question, and is there any likelihood that it will be restored?

**The Honourable Sir George Schuster:** I would ask my Honourable friend to have a little patience in this matter and he will very shortly, I hope, be enlightened about it. As he is anxious to know the exact words which I used, I will save him the trouble of looking up the quotation. The words which I used were:

"It must be clearly explained that there is no intention that they should remain operative beyond March 31st, 1933. They will not be continued beyond that date without further examination of economic conditions".

**Mr. M. Maswood Ahmad:** Is it a fact that the Government of India are consulting the British Government in this matter?

**The Honourable Sir George Schuster:** Will my Honourable friend repeat the question please?

**Mr. M. Maswood Ahmad:** Is it a fact that the Government of India are consulting the Secretary of State for India whether they should continue or discontinue this policy of the ten per cent. cut in salaries?

**The Honourable Sir George Schuster:** Naturally, Sir, the Government of India are consulting the Secretary of State, because, as my Honourable friend knows quite well, a considerable number of Government officers are protected by an Act of Parliament, and, therefore, action could not be taken by this Government without action by the British Legislature.

**Mr. Lalchand Navalrai:** May I know whether the Honourable Member has by now considered the economic effect of this question, and whether that will make it likely that the original intention would be given effect to?

**The Honourable Sir George Schuster:** I will answer the first part of my Honourable friend's question, but not the second part. The Government of India is just concluding its review of the economic conditions. I cannot, I am afraid, tell my friend what the result of that review is likely to be.

**Dr. Ziauddin Ahmad:** In case the Parliament refused to allow the continuation of the cut in the year 1933-34, will the Government of India enforce the cut in the case of officers whose salaries are not fixed by the Secretary of State or the Parliament?

**The Honourable Sir George Schuster:** I think my friend will hardly require me to point out to him that it is a hypothetical question.

**Dr. Ziauddin Ahmad:** I will put it in this way: will the cut be enforced (a) in the case of those officers whose pay is regulated by Parliament, and (b) in the case of those officers whose pay is regulated by the Government of India?

**The Honourable Sir George Schuster:** I think my friend's question remains hypothetical, and I must, with your permission, Sir, refuse to answer any further questions on this subject, because the whole matter is now under the review of the Government and a full announcement will shortly be made on the Government policy.

**Mr. K. Ahmed:** In view of the fact that the economic condition of the Government will be considerably ameliorated and the Finance Department will find ample scope on account of Federation and reforms to enlist the opinion of the representatives of the people of this country, do Government propose to make a statement whether the economic condition in this country will in any way be affected than last year when the Budget was passed . . . . (Laughter.)

**The Honourable Sir George Schuster:** I am afraid I did not follow my friend's question, but the only part of it which I feel able to answer is this, that I am not prepared to admit that any Government in the future will find scope to do the work of the Finance Department better than it has been done now.

**Mr. K. Ahmed:** Sir, in view of the fact that the Honourable the Finance Member has caught hold of the wrong end of the stick (Laughter), is it not a fact that the present economic condition is neither uplifted nor ameliorated than the condition when the last Budget was passed last year?—(After a pause)—Yes or no? (Laughter.)

(No reply.)

**Mr. K. Ahmed:** In view of the fact . . . .

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Order, order.

#### NEW SCALES OF PAY FOR GOVERNMENT SERVANTS.

18. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state in what respect the new scales of pay for Government servants will be different from the existing scales?

(b) When will they be brought into force?

(c) To whom will they be applicable?

(d) Do Government propose to safeguard the interests of the present incumbents?

**The Honourable Sir George Schuster:** (a) to (d). Since 16th July, 1931, all new entrants into the civil service of the Governor General in Council have been recruited on a provisional basis as regards pay, that is to say, they have been told that Government is considering introducing revised scales of pay and that these when introduced will be applicable to them. All that I can say at present is that the matter is now under the active consideration of Government. The new scales will be at reduced rates. The interests of those officials who were appointed on a permanent basis before 16th July, 1931, will be duly safeguarded.

#### POPULATION OF MUSLIMS IN THE AREA SERVED BY THE EASTERN BENGAL RAILWAY.

19. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the Eastern Bengal Railway serves an area which is overwhelmingly Muslim?

(b) Will Government be pleased to state the population of Muslims in the area served by the Eastern Bengal Railway?

**Mr. P. R. Rau:** (a) and (b). If by "the area served by the Eastern Bengal Railway" my Honourable friend refers to the province of Bengal, the figures, according to the last census returns, are as follows:

|                  | Muslim<br>Population. | Percentage of<br>total<br>population. |
|------------------|-----------------------|---------------------------------------|
| Bengal . . . . . | 27,497,624            | 54·87                                 |

**MUSLIM SUBORDINATE STAFF, EXCLUDING ACCOUNTS OFFICES, ON THE EASTERN BENGAL RAILWAY.**

20. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total subordinate staff employed on the Eastern Bengal Railway excluding those in accounts offices on the 31st March, 1931, was 9,343?

(b) Is it a fact that their communal composition on the 31st March, 1931, was:

Hindus 76·47 per cent., 7,146 in number.

Muslims 14·09 per cent., 1,316 in number.

Europeans *cum* Anglo-Indians 8·71 per cent., 814 in number.

Indian Christians ·45 per cent., 42 in number.

Others ·28 per cent., 26 in number.

(c) Will Government be pleased to state their communal composition on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take in order that Muslims may get their due share in services on the Eastern Bengal Railway?

**Mr. P. R. Rau:** With your permission, Sir, I propose to reply to questions Nos. 20 to 41, 59 to 77, 158 to 178 and 196 to 218 together . . . .

**Mr. M. Maswood Ahmad:** Sir, I want to move in that connection . . .

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The Honourable Member must finish his answer first.

**Mr. P. R. Rau:** In these 85 questions my Honourable friend has asked for information regarding the communal composition of various services or departments in the various State-managed Railways on the 31st March, 1931, and on the 31st March, 1932, and as to, the steps Government propose to take so that Muslims may get their due share in these services or departments. The position on the 31st March, 1931, is given in full detail in Mr. Hassan's report, which contains the latest information available to Government. As regards the position on 31st March, 1932, the very detailed information required by my Honourable friend is not available, and in order to get it, it will be necessary to have another special investigation, similar to that carried out by Mr. Hassan, which Government regret they are unable to undertake. My Honourable friend will, however, find more up to date information with regard to the communal composition of staff on Indian Railways in the appendix to the Report by the Railway Board on Indian Railways for 1931-32, though

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not in as much detail as he requires. Finally, as regards the action that Government propose to take, I regret I am not yet in a position to give a definite reply to him. The general question of the policy to be followed as regards the representation of Muslims and other minority communities in services under the control of the Government of India has been for some time under the consideration of Government and it is hoped that it will be possible to announce their decision at an early date. As soon as the general policy is settled, the details as affecting the railway staff will be worked out, and after consultation with the Central Advisory Council for Railways, the decision of Government will be announced without avoidable delay.

**Mr. K. Ahmed:** What was the period taken by the Hassan Committee to conduct the inquiry and what was the period taken by that Committee to write out their Report?

**Mr. P. R. Rau:** I am not sure of the exact time, but I think Mr. Hassan took over a year to conduct the inquiry.

**Mr. K. Ahmed:** Is the Honourable Member going to take longer than one year to make the inquiry and give an answer?

**Mr. P. R. Rau:** As I have already pointed out, it is a matter beyond the Railway Board itself. The matter is in the hands of the Government of India, and, as soon as a decision on the matter of policy has been reached, the Railway Board will take immediate steps to work out details and place their proposals before the Central Advisory Committee for Railways and, thereafter, the decision of the Government will be announced.

**Mr. M. Maswood Ahmad:** If Government are not prepared to disclose the figure for the year 1932, what is the other course for Members to know the correct figures?

**Mr. P. R. Rau:** It is not a question of Government not being prepared to disclose any information, but the Government are not in possession of it. It is impossible for them to obtain that information without the expenditure of much time and labour which will not be justified in these days of financial stringency.

**Mr. M. Maswood Ahmad:** Are Government prepared to allow any Members to see the pay sheets of any Department of the Government and of the Railways?

**Mr. P. R. Rau:** No, Sir; these are purely Government documents.

**Mr. K. Ahmed:** In view of the fact that the salaries are paid every month to clerks and officers, is it not easy for the Government Departments or for the office of the Financial Commissioner for Railways to find out the number and give the exact figure?

**Mr. P. R. Rau:** As I have already stated, the special investigation took over a year or probably 18 months, and I do not think that a further investigation will take less time.

**Mr. M. Maswood Ahmad:** Are Government aware that the percentage of Muslims in the Government services generally and, in railway services particularly, is going down? In 1932 has it gone down much lower than in 1931?

**Mr. P. R. Rau:** I am not aware of that, but I may point out that the circumstances of 1931-32 were peculiar. There was a large amount of retrenchment going on in the railways and very little of fresh recruitment.

**Mr. M. Maswood Ahmad:** Do Government propose to make an enquiry into the matter just referred to by me?

**Mr. P. R. Rau:** May I know what enquiry the Honourable Member wants?

**Mr. M. Maswood Ahmad:** Whether the percentage of Muslims has decreased in the railway services in 1932.

**Mr. P. R. Rau:** As regards the general question, my Honourable friend will find a considerable amount of information in the Administration Report on the Indian Railways, which, I hope, will be in the hands of Honourable Members in a week or so.

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**Mr. M. Maswood Ahmad:** Is it not a fact that Muslims have been retrenched much more than their percentage in the services warrants?

**Mr. P. R. Rau:** I would suggest to my Honourable friend that he might await that Report.

**Mr. M. Maswood Ahmad:** Is it not a fact that at the time of calling back the retrenched hands the Muslims are not called in the same proportion in which they were retrenched?

**Mr. P. R. Rau:** No, I think the orders are that retrenched personnel should be called back in the order in which they were retrenched.

**Mr. M. Maswood Ahmad:** I want to know whether the order of the Government has been carried out by the local authorities. I want to know if Government have made enquiries into that matter.

**Mr. P. R. Rau:** If my Honourable friend has any information to the effect that the orders of the Government have not been carried out, I should certainly be pleased to investigate the matter.

**Mr. M. Maswood Ahmad:** I have pointed this out on several occasions.

**Mr. K. Ahmed:** In view of the fact that it was admitted by the Government last year during the Budget and the year before last, and during the regime of Mr. Hayman, that the enquiry has been frustrated, do Government propose now to undertake another enquiry, which will be futile obviously, because lakhs and lakhs of rupees have been spent in the last few years without any effect—they started an enquiry and investigation by a special officer at a high cost and yet my Honourable friend and the Government are not familiar with the difficulties and will not remove the anomaly?

**Mr. P. R. Rau:** If I understand my Honourable friend aright, he is asking the Government to undertake an admittedly futile enquiry.

**Mr. M. Maswood Ahmad:** Is it a fact that the figures mentioned in this question are practically correct for 1931, or can Government challenge them?

**Mr. P. R. Rau:** These reports can be checked by reference to Mr. Hassan's report.

**Mr. M. Maswood Ahmad:** Have not Government even checked these figures after receiving notice of these questions?

**Mr. P. R. Rau:** I assume that the Honourable Member has checked them himself.

**Mr. M. Maswood Ahmad:** I want to know whether the Department has checked those figures.

**Mr. P. R. Rau:** The correct figures are given in Mr. Hassan's report and I do not see why the Department should go into the figures given by the Honourable Member.

**Mr. M. Maswood Ahmad:** I am asking whether the figures given in my question are correct or not.

**Mr. P. R. Rau:** If they agree with the figures given in Mr. Hassan's report, they will be correct.

**Mr. M. Maswood Ahmad:** It means that the Honourable Member accepts the figures to be correct, but does not want to admit it.

**Dr. Ziauddin Ahmad:** Is it not a fact that full share was given to the Mussalmans on population basis *plus* weightage so far as retrenchment was concerned, but it was entirely overlooked at the time of recruitment?

**Mr. P. R. Rau:** Will the Honourable Member kindly repeat his question?

**Dr. Ziauddin Ahmad:** My question was, is it not a fact that full share was given to the Mussalmans on population basis *plus* weightage *plus* everything else at the time of retrenchment, and it is entirely forgotten at the time of recruitment?

**Mr. P. R. Rau:** The orders of the Government were that the necessity for retrenchment should not operate to the detriment of any minority community.

**Mr. S. C. Mitra:** May we take it that when giving effect to retrenchment measures attention was paid to the inadequate representation of Mussalmans in the railways?

**Mr. P. R. Rau:** Yes. As a matter of fact, orders were issued that the retrenchment should not be carried into effect so as to make the position of any minority worse than what it was before.



**Sir Abdulla-al-Mámún Suhrawardy:** Were the orders carried out?

**Mr. P. R. Rau:** I hope so. But as I have already offered to my Honourable friend, Mr. Maswood Ahmad, if there are any instances in which they have not been carried out, and these are brought to the notice of the Railway Board, the matter will be investigated.

**Mr. M. Maswood Ahmad:** Will Government be pleased to ask the Department to check these figures and inform the House whether they are correct or not, because these figures may be quoted on some other occasion?

**Mr. P. R. Rau:** I would advise my Honourable friend, if he wants to be accurate, to quote from Mr. Hassan's report. I think it is unfair to ask the Railway Board, which, as everybody knows, has reduced its staff considerably, to go to the unnecessary length of checking these figures when the correct figures are available in a published report.

**Mr. M. Maswood Ahmad:** If the Honourable Member cannot deny its correctness, why does he not admit it to be correct? It is very surprising to know that the Department does not check the figures in questions.

**Mr. K. Ahmed:** In view of the fact that the Honourable Member is very heavily engaged in preparing the Budget and he has not considered these questions, and in view of the fact that he says he will try his utmost to give some answer to these questions later on, does my Honourable friend propose, for the benefit of the questioner and for the benefit of themselves and the public, to prepare the answer thoroughly and to go into these facts and figures and verify them, so as to admit or deny the same.

(No answer.)

**Bhai Parma Nand:** Is it not a fact that during the last year, in the course of retrenchment, Hindus in the Accounts Department, even though they were senior, were retrenched while Mussalmans, who were junior, were kept on, and that when representations were made by the retrenched Hindu employees to the Railway Board, no action was taken upon it?

**Mr. P. R. Rau:** I think I must ask for notice of that question.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member whether he is prepared to advise the Government that the time has now come when communal representation should be done away with, so as to avoid such bitter discussions on the floor of the House?

(No answer.)

**Bhai Parma Nand:** May I ask the Honourable Member whether it is not a fact that the percentage of Hindu employees in the railways has been much reduced during the last year?

**Mr. P. R. Rau:** I must ask for notice of that question. I cannot carry all these figures in my head.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state whether it is not a fact that since this communal method of recruitment came, there has been less efficiency in the railway services?

**Mr. P. B. Rau:** I am afraid I cannot answer that question. It requires an investigation into the whole administration of the railways.

**EMPLOYMENT OF MUSLIMS IN CLERICAL POSTS, EXCLUDING ACCOUNTS OFFICES,  
ON THE EASTERN BENGAL RAILWAY.**

†21. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total clerical staff employed on the Eastern Bengal Railway excluding those in accounts offices on the 31st March, 1931, was 2,102?

(b) Is it a fact that their communal composition on the 31st March, 1931, was:

Hindus 92·67 per cent., 1,948 in number.

Muslims 4·57 per cent., 96 in number.

Europeans *cum* Anglo-Indians 2·14 per cent., 48 in number.

Indian Christians ·52 per cent., 11 in number.

Others ·1 per cent., 2 in number?

(c) Will Government be pleased to state their communal composition on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take in order that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN CLERICAL POSTS, EXCLUDING ACCOUNTS OFFICES,  
ON THE EASTERN BENGAL RAILWAY.**

†22. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of clerical posts on a scale of pay from Rs. 110 to Rs. 250, excluding those in accounts offices, on the Eastern Bengal Railway on the 31st March, 1931, was 262, out of which only seven were Muslims?

(b) Is it a fact that the communal composition of the men in total clerical posts on a minimum pay of Rs. 150 excluding those in accounts offices on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 91·23 per cent., 104 in number.

Muslims ·88 per cent., 1 in number.

Europeans *cum* Anglo-Indians 7·89 per cent., 9 in number?

(c) Will Government be pleased to state the communal composition of the men in total clerical posts on a scale of pay from Rs. 250 and also on a minimum pay of Rs. 150, excluding those in accounts offices, on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share in the services mentioned in part (a)?

† For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE TRAFFIC DEPARTMENT (TRANSPORTATION)  
OF THE EASTERN BENGAL RAILWAY.**

†23. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Traffic Department (Transportation) staff employed on the Eastern Bengal Railway on the 31st March, 1931, was 2,435?

(b) Is it a fact that the communal composition of the Traffic Department (Transportation) staff on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 80.98 per cent., 1,972 in number.

Muslims 9.8 per cent., 221 in number.

Europeans *cum* Anglo-Indians 9.57 per cent., 233 in number.

Indian Christians .25 per cent., 6 in number.

Others .12 per cent., 3 in number?

(c) Will Government be pleased to state the communal composition of the total Traffic Department (Transportation) staff on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take in order that Muslims may get their due share in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS AS ASSISTANT TRAIN CONTROLLERS ON THE EASTERN BENGAL RAILWAY.**

†24. \*Mr. M. Maswood Ahmad: (a) Is it a fact that there were 20 posts of Assistant Train Controllers on the Eastern Bengal Railway on the 31st March, 1931, and that none of them was held by any Muslim?

(b) Is it a fact that there were 81 posts of Station Masters and Assistant Station Masters in the grade of Rs. 100—5—140, and 20 of Signallers whose pay was between Rs. 50 to Rs. 170 and that Muslims held one of each in the Eastern Bengal Railway on the 31st March, 1931?

(c) Will Government be pleased to state the communal composition of the Assistant Train Controllers, Station Masters and Assistant Station Masters in the grade of Rs. 100—5—140 and Signallers getting Rs. 50 to Rs. 170 in the Eastern Bengal Railway on 31st March, 1932?

(d) What action do Government propose to take so that Muslims may get their due share in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRAFFIC DEPARTMENT (TRANSPORTATION)  
OF THE EASTERN BENGAL RAILWAY.**

†25. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total staff in the Traffic Department (Transportation) on a minimum of Rs. 150 or more employed on the Eastern Bengal Railway on the 31st March, 1931, was 105?

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† For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 32 in number, 80.48 per cent.

Muslims 1 in number, .95 per cent.

Europeans *cum* Anglo-Indians 71 in number, 67.62 per cent.

Indian Christian 1 in number, .95 per cent.?

(c) Will Government be pleased to state the communal composition of the total staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take in order that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS, HINDUS AND INDIAN CHRISTIANS IN THE LOCOMOTIVE DEPARTMENT (POWER) OF THE EASTERN BENGAL RAILWAY.**

†26. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Locomotive Department (Power) staff on a minimum pay of Rs. 150 or more employed on the Eastern Bengal Railway on the 31st March, 1931, was 21?

(b) Is it a fact that the communal composition of the total staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus *nil* per cent.

Muslims *nil* per cent.

Europeans *cum* Anglo-Indians 100 per cent.

Indian Christians *nil* per cent.

Others *nil* per cent.?

(c) Will Government be pleased to state the communal composition of the total staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims and Hindus and Indian Christians may get their due share in the services mentioned in part (a)?

**SAFEGUARDING THE INTERESTS OF MUSLIMS IN THE TRAFFIC DEPARTMENT (COMMERCIAL) OF THE EASTERN BENGAL RAILWAY.**

†27. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Traffic Department (Commercial) staff employed on the Eastern Bengal Railway on the 31st March, 1931, was 3,429?

(b) Is it a fact that the communal composition of the total Traffic Department (Commercial) staff on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 75.8 per cent., 2,599 in number.

Muslims 19.13 per cent., 656 in number.

Europeans *cum* Anglo-Indians 4.43 per cent., 152 in number.

Indian Christians .85 per cent., 12 in number.

Others .29 per cent., 10 in number?

† For answer to this question, see answer to question No. 20.

(c) Will Government be pleased to state the communal composition of the total Traffic Department (Commercial) staff on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to safeguard the Muslim interest in the services mentioned in part (a)?

**SAFEGUARDING THE INTERESTS OF MUSLIMS IN CERTAIN CADRES OF THE EASTERN BENGAL RAILWAY.**

†28. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that there was not a single Mussalman on the Eastern Bengal Railway on the 31st March, 1931, in the posts of Yards and Goods Supervisors, Chief Booking Clerks, Luggage and Fish Inspectors, Advertisement and Food Inspectors, Chief Passenger Guides, Goods Clerks in the grade of Rs. 115—10—145, Booking Clerks in the grade of Rs. 115—10—145, Parcel Clerks in the grade of Rs. 115—10—145, Transhipment Clerks in the grade of Rs. 115—10—145, Ticket Collectors on pay of Rs. 35 or more, Circle Inspectors (Crews), Travelling Ticket Inspectors?

(b) Will Government be pleased to state the communal composition in the services mentioned in part (a) separately on the Eastern Bengal Railway on the 31st March, 1932?

(c) What action do Government propose to take to safeguard Muslim interests in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS AS INSPECTORS (CLAIMS, RATES AND OUTSTANDING) ON THE EASTERN BENGAL RAILWAY.**

†29. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts of Inspectors (Claims, Rates and Outstanding) employed on the Eastern Bengal Railway on the 31st March, 1931, was 21?

(b) Is it a fact that only one of the posts mentioned in part (a) was held by a Muslim on the Eastern Bengal Railway on the 31st March, 1931?

(c) Will Government be pleased to state the communal composition of the posts mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1932?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRAFFIC DEPARTMENT (COMMERCIAL) OF THE EASTERN BENGAL RAILWAY.**

†30. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Traffic Department (Commercial) staff on a minimum pay of Rs. 150 or more employed on the Eastern Bengal Railway on the 31st March, 1931, was 44?

† For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 20 in number, 45.45 per cent.

Muslims 8 in number, 6.82 per cent.

Europeans *cum* Anglo-Indians 17 in number, 38.63 per cent.

Indian Christians 2 in number, 4.55 per cent.

Others 2 in number, 4.55 per cent?

(c) Will Government be pleased to state the communal composition of the staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to see that Muslims get their due share in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE LOCOMOTIVE DEPARTMENT (CARRIAGE) OF THE EASTERN BENGAL RAILWAY.**

†31. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Locomotive Department (Carriage) staff employed on the Eastern Bengal Railway on the 31st March, 1931, was 162?

(b) Is it a fact that the communal composition of the Locomotive Department (Carriage) staff on the Eastern Bengal Railway on the 31st March, was:

Hindus 71.6 per cent., 116 in number.

Muslims 13.59 per cent., 22 in number.

Europeans *cum* Anglo-Indians 11.11 per cent., 18 in number.

Indian Christians 1.85 per cent., 3 in number.

Others 1.85 per cent., 3 in number?

(c) Will Government be pleased to state the communal composition of the Locomotive Department (Carriage) staff on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take in order that Muslims may get their due share in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE LOCOMOTIVE DEPARTMENT (CARRIAGE) OF THE EASTERN BENGAL RAILWAY.**

†32. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Locomotive Department (Carriage) staff on a minimum pay of Rs. 150 or more employed on the Eastern Bengal Railway on the 31st March, 1931, was 19?

(b) Is it a fact that the communal composition of the staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 2 in number, 10.53 per cent.

Muslims 1 in number, 5.26 per cent.

Europeans *cum* Anglo-Indians 16 in number, 84.21 per cent.?

(c) Will Government be pleased to state the communal composition of the staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE LOCOMOTIVE DEPARTMENT (WORKSHOPS)  
OF THE EASTERN BENGAL RAILWAY.**

†33. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Locomotive Department (Workshops) staff employed on the Eastern Bengal Railway on the 31st March, 1931, was 185?

(b) Is it a fact that the communal composition of the Locomotive Department (Workshops) staff on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 34.6 per cent., 64 in number.

Muslims 1.08 per cent., 2 in number.

Europeans *cum* Anglo-Indians 62.16 per cent., 115 in number.

Indian Christians 1.08 per cent., 2 in number.

Others 1.08 per cent., 2 in number?

(c) Will Government be pleased to state the communal composition of the Locomotive Department (Workshops) staff on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to see that Muslims get their due share in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE LOCOMOTIVE DEPARTMENT (WORKSHOPS)  
OF THE EASTERN BENGAL RAILWAY.**

†34. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Locomotive Department (Workshops) staff on Rs. 150 or more employed on the Eastern Bengal Railway on the 31st March, 1931, was 13?

(b) Is it a fact that the communal composition of the staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 18, 13.44 per cent.

Muslims 2, 1.49 per cent.

Europeans *cum* Anglo-Indians 110, 82.09 per cent.

Indian Christians 2, 1.49 per cent.

Others 2, 1.49 per cent.?

(c) Will Government be pleased to state the communal composition of the staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to see that Muslims get their due share in the services mentioned in part (a)?

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† For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE CIVIL ENGINEERING STAFF OF THE EASTERN BENGAL RAILWAY.**

†35. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Civil Engineering Staff employed on the Eastern Bengal Railway on the 31st March, 1931, was 178?

(b) Is it a fact that the communal composition of the staff in the Civil Engineering Department on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 70·22 per cent., 128 in number.

Muslims 7·87 per cent., 14 in number.

Europeans *cum* Anglo-Indians 18·54 per cent., 23 in number.

Indian Christians 1·12 per cent., 2 in number.

Others 2·25 per cent., 4 in number?

(c) Will Government be pleased to state the communal composition of the Civil Engineering Staff on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims get their due share in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE CIVIL ENGINEERING STAFF OF THE EASTERN BENGAL RAILWAY.**

†36. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Civil Engineering Staff on a pay of Rs. 150 or more employed on the Eastern Bengal Railway on the 31st March, 1931, was 94?

(b) Is it a fact that the communal composition of the staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 59 in number, 62·77 per cent.

Muslims 4 in number, 4·26 per cent.

Europeans *cum* Anglo-Indians 27 in number, 28·72 per cent.

Indian Christians 1 in number, 1·06 per cent.

Others 3 in number, 3·19 per cent.?

(c) Will Government be pleased to state the communal composition of the staff mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE STORES DEPARTMENT OF THE EASTERN BENGAL RAILWAY.**

†37. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Stores Department staff employed on the Eastern Bengal Railway on the 31st March, 1931, was 52?



(b) Is it a fact that the communal composition of the staff in the Stores Department on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 80·77 per cent., 42 in number,

Muslims 3·85 per cent., 2 in number.

Europeans *cum* Anglo-Indians 15·38 per cent., 8 in number?

(c) Will Government be pleased to state the communal composition of the staff in the Stores Department on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) Will Government be pleased to state what action they propose to take so that Muslims may get their due share in the services mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN CERTAIN CADRES OF THE EASTERN BENGAL RAILWAY.

†38. \*Mr. M. Maswood Ahmad: (a) Is it a fact that not a single Muslim was on the Eastern Bengal Railway on the 31st March, 1931, as a Landing, Assistant Landing, Shipping Inspector, Depot Store Keeper, Sub-Store Keeper, Ward Keeper or Recorder in the Stores Department?

(b) What action do Government propose to take to see that Muslims get their due share in the services mentioned in part (a)?

(c) Will Government be pleased to state the communal composition of the staff in total posts mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1932?

#### EMPLOYMENT OF MUSLIMS IN THE STORES DEPARTMENT OF THE EASTERN BENGAL RAILWAY.

†39. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in the Stores Department on a pay of Rs. 150 or more employed on the Eastern Bengal Railway on the 31st March, 1931, was 16?

(b) Is it a fact that the communal composition of the staff in the total posts mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 9, 56·25 per cent.

Muslims Nil.

Europeans *cum* Anglo-Indians 7, 43·75 per cent.?

(c) Will Government be pleased to state the communal composition of the staff in the total posts mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to see that Muslims get their due share in the services mentioned in part (a)?

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● †For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE EASTERN BENGAL RAILWAY.**

†40. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Medical Department staff employed on the Eastern Bengal Railway on the 31st March, 1931, was 160?

(b) Is it a fact that the communal composition of the total staff in the Medical Department on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 72·5 per cent., 116 in number.

Muslims 18·12 per cent., 29 in number.

Europeans *cum* Anglo-Indians 7·5 per cent., 12 in number.

Indian Christians 1·88 per cent., 3 in number?

(c) Will Government be pleased to state the communal composition of the total Medical Department staff on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE EASTERN BENGAL RAILWAY.**

†41. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Medical Department on a pay of Rs. 150 or more employed on the Eastern Bengal Railway on the 31st March, 1931, was 36?

(b) Is it a fact that the communal composition of the staff in the total posts mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1931, was:

Hindus 12 in number, 46·15 per cent.

Muslims 2 in number, 7·69 per cent.

Europeans *cum* Anglo-Indians 13 in number, 46·16 per cent.?

(c) Will Government be pleased to state the communal composition of the staff in the total posts mentioned in part (a) on the Eastern Bengal Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share in the services mentioned in part (a)?

**GRANT OF KING'S COMMISSIONS TO INDIANS IN THE ARMY EDUCATIONAL CORPS.**

42. \***Mr. M. Maswood Ahmad:** Will Government be pleased to state:

(a) whether they intend, in view of the Indianisation of a complete division of Infantry and a Brigade of Cavalry with all other auxiliary services, to grant King's Commissions to Indians in the Army Educational Corps;

(b) if the answer to (a) is in the affirmative, what the terms of the service and percentage of Indianisation in the Corps will be;

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†For answer to this question, see answer to question No. 20.

- (c) whether the existing Indian officers (with the Viceroy's Commissions) on the Educational Establishment of the Army will be eligible for the grant of such King's Commissions; and
- (d) whether their age-limit will be waived as in the case of British Warrant Officers selected for Commissions in the Army Educational Corps and Quartermaster's appointments in the Training Battalions of the Indian Army?

**Mr. G. R. F. Tottenham:** (a), (b), (c) and (d). The Army Educational Corps is a part of the British Army and cannot therefore be Indianised as such. The question of providing for the educational requirements of the new Indian Army will, however, be considered in accordance with the general policy under which the King's Commission is to be granted to Indians in all arms and branches of the service. It is too early yet to say what the exact scheme will be, but it is unlikely that it will include the grant of direct King's Commissions to Indian officers who are above the age-limit for entry to the Indian Military Academy. Indian officers now seconded from their units and serving on the educational establishments of the Army are eligible for admission to the Indian Military Academy if they fulfil the required conditions.

#### GRANT OF DIRECT KING'S COMMISSIONS TO INDIAN OFFICERS HOLDING VICEROY'S COMMISSION.

43. **\*Mr. M. Maswood Ahmad:** Will Government kindly state if it is a fact that a number of Indian officers (Subedars and Jamadars), now holding King's Commissions, were granted direct King's Commissions for their loyal services, at the end of the Great War; if so, do they propose to consider favourably the cases of those Indian officers (holders of Viceroy's Commission) who are now between the ages of 25 and 38 years, and grant them direct Commissions?

**Mr. G. R. F. Tottenham:** A number of senior Viceroy's Commissioned officers were granted King's Commissions just after the Great War for specially distinguished services rendered during the war. Government cannot regard this as a precedent for the purpose which the Honourable Member has in view: and do not consider that the interests of the Army would be served by granting King's Commissions to Viceroy's Commissioned officers over the age of 25. It would upset the whole scheme for officering the new Indian Army: and the officers themselves would have little or no prospect of promotion by reason of their age.

#### SCHEME FOR THE GRANT OF KING'S COMMISSIONS TO INDIAN NON-COMMISSIONED OFFICERS WHO ARE OVER AGE.

44. **\*Mr. M. Maswood Ahmad:** Will Government kindly state whether they have framed a scheme with regard to those Indian non-commissioned officers who are now over age, but are otherwise suitable for the grant of King's Commissions? If so, what is the scheme?

**Mr. G. R. F. Tottenham:** The answer to the first part of the question is in the negative. Non-commissioned officers over the age of 25 would obviously not be suitable for training at the Indian Military Academy with

a view to receiving the King's Commission. The second part does not arise.

Non-commissioned officers will still remain eligible for promotion within their groups as Indian officers holding the Viceroy's Commission.

**REPLACEMENT OF BRITISH CLERKS OF THE HIGHER GRADES AT THE HEAD-QUARTERS OF COMMANDS, DISTRICTS, BRIGADES, ETC., BY INDIAN CLERKS.**

**45. \*Mr. M. Maswood Ahmad:** Will Government be pleased to state whether they propose to replace British clerks of the higher grades at the Headquarters of Commands, Districts, Brigades, etc., by Indian clerks; if so, do they propose to grant them King's Commissions as is the case with regard to the British Warrant Officers on the unattached list who are even Majors and Lieutenant-Colonels?

**Mr. G. R. F. Tottenham:** The answer to the first part of the question is in the negative. The second part, therefore, does not arise.

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**MOTION FOR ADJOURNMENT.**

**EXECUTION OF NARSINGH PRASAD BHABANI AND TWO OTHERS.**

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** I have received from Mr. S. C. Mitra notice of his intention to move for adjournment of the business of the Assembly to discuss a definite matter of urgent public importance, namely, the Honourable the Home Member's refusal to accept a short notice question regarding the execution of Narsingh Prasad Bhabani on the 3rd February, 1933. I have to inquire whether any Honourable Member has any objection to this motion.

**The Honourable Sir Joseph Bhoré (Leader of the House):** The only objection I would take is a general one, namely, that it is not open on any ground for any one to raise the objection that a Member of Government has not exercised his discretion rightly in refusing to accept a short notice question. It is a perfectly simple point and I take objection on that ground.

**Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural):** Sir, in asking for your leave and the leave of the House I should like to make it clear that my intention in raising this question is to have the decision of the House, whether the Honourable the Home Member, in using his discretion in disallowing a question, is bound to use that discretion properly, judiciously and in a way not to encroach upon the privileges of Members of this House in the matter of interpellation. It will be clear from the questions that a certain man is going to be executed on the 3rd and three very distinguished lawyer Members of the House gave notice of these questions by telegram and, in order that the main purpose may not be frustrated, they pressed for a short notice reply from the Honourable the Home Member. Here I join issue with the Honourable the Leader of the House. Though the Home Member has the right to use his discretion, he is bound to use that discretion properly and not in a way that will prejudice the privileges of the House to get a remedy by putting questions and getting replies in time. That is the question I should like to raise in my motion for Adjournment.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): I want to support this motion. There is no doubt a discretion vested in the Government Member to accept a short notice question or not, but if that discretion is not wisely used, what is the course left open to the Member of this House? The only course is to approach the Chair for the Adjournment of the House. There is no rule or law which says that the Adjournment of the House should not be allowed on a matter like this. I do not think there is any precedent which would bar the President from putting a motion like this to the House, whether the House should be adjourned or not. I submit, in a matter like this where a man is going to be executed, if a short notice question is not accepted, the result will be that the execution will come into force and, after the man is executed, there will be no necessity for raising this question at all. It is of the utmost importance that the House should record its vote upon this vital question if the Government are so unreasonable as not to accede even to a request to answer a short notice question. I, therefore, wholeheartedly support Mr. Mitra.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): So far as the rules and standing orders are concerned, we know that there is no course left open but the practice that has been established since the time of the predecessor of the present President, which is to ask the Government to answer questions. None of the Members who have given notice of the motion for Adjournment has said definitely as to when the notice of the short notice question was served. Was it yesterday or the day before, and to whom was it given? Neither the Honourable the President nor the Acting President was in a position to accept notice and the copy was circulated before the circulation of the notice to Government Members. There has been irregularity all through. (Interruption by an Honourable Member.) If the notice was served 24 hours before, it may be that the Government Member concerned has not had sufficient time to transmit the information to the province where the execution will take place. If, on the other hand, Mr. Mitra gave the notice in time and the Home Department has had sufficient time to consult the Local Government, then the decision will not be in favour of the Leader of the House. If the Honourable Member from Bengal will enlighten the House then the House will be in a position to deal with the matter.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): I understand that there are three motions of which notice has been given. One is given by Mr. Mitra to the effect that this House should adjourn as a protest at the refusal of the Home Member to accept a short notice question and the other two notices deal with the question of the pending execution. Now, I would ask Mr. Mitra, if this House was to accede to his request, what he should be landing himself into. We shall be censuring the Home Member for not accepting a short notice question and the only discussion that will be pertinent will be the question whether the Home Member should be censured or not and, supposing we did censure the Home Member, we are not in any way near the real point which Mr. Mitra and the protagonists of the other motions have in view, namely, to censure the Government for precipitating the execution of some convicts for reasons to be stated. The two questions must be dissociated, and I think if Mr. Mitra's motion is carried today, he will defeat the very purpose he had in view, namely, to raise a discussion or

the question of the propriety of the execution of the convicted person on the 3rd February. In this view, I would ask my Honourable friend whether he would not give way to the other motion and withdraw his own.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order. The right of Honourable Members to ask short notice questions arises from Standing Order No. 13, which reads as follows:

"Unless the President, with the consent of the Member of the Government whose department is concerned, otherwise directs, not less than ten clear days' notice of a question shall be given."

In order to enable an Honourable Member to ask a short notice question, it therefore follows that, not merely should the President concur in such a procedure, but that the Member of the Government to whose Department the question relates must agree to answer the question at short notice. Now, in this case, the Honourable Member, to whose Department this question relates, has refused to concur in this procedure, and, on this refusal of the Honourable the Home Member, the Honourable Member, Mr. S. C. Mitra, wants to move the Adjournment of the House. As was pointed out by Sir Hari Singh Gour, the Chair has received notice of two further motions relating to the substantive question arising out of this short notice question—one from the Honourable Member, Mr. Amar Nath Dutt, and the other from the Honourable Member, Mr. Gaya Prasad Singh. The Chair recognises that the right vested in Honourable Members to ask short notice questions is a very valuable right, and it is quite conceivable that even though the concurrence of the Member of Government is necessary, the exercise of his discretion in a particular manner might seriously infringe the rights of the Honourable Members of this House. It is quite conceivable that if the Member of Government refuses to concur in the procedure, no alternative remedy may be available to Honourable Members and that thereby there might be a serious infringement of their rights; but, fortunately for us, in this particular case, two other notices raising the same substantive motion have been given, and it is, therefore, unnecessary for the Chair at this stage to rule whether Mr. Mitra's motion is in order or not. In view of these circumstances, I would ask the Honourable Member, Mr. S. C. Mitra, whether he would persist in asking for the leave of the House to move his own motion.

**Mr. S. C. Mitra:** Sir, when I gave notice of my motion, I was unaware of the other two motions, and, in view of what you have said about our rights, I certainly withdraw my motion in favour of the other motion.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I have received a notice from the Honourable Member, Mr. Amar Nath Dutt, that he proposes to ask for leave to move a motion for the adjournment of the business of the House today in the following terms, namely:

"I beg to give notice that I shall move for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, viz., the impending execution of Narsingh Prasad Bhabani, and two others, on the 3rd February, in which one of them has confessed exonerating the other two and that he alone was responsible for the murder."

I have to inquire whether any Honourable Member has any objection to this motion.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, let us hear the other motion as well so that we may be in a position to form our judgment.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The other notice is the same in shorter form:

"I beg to give notice that I shall move for the adjournment of the House to discuss a definite matter of urgent public importance, viz., the impending execution of Narsingh Prasad Bhabani and two others on the 3rd instant."

I have to inquire whether any Honourable Member has any objection to the motion of Mr. Amar Nath Dutt being moved.

(After a pause.)

As no objection has been taken I declare that leave is granted and that the motion will be taken up for discussion at 4 p.m. The House will now adjourn and meet again at a quarter to three.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

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The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

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#### DEATH OF SIR WILLOUGHBY CAREY.

**The Honourable Sir Joseph Bhowe** (Leader of the House): Sir, once more we have to record yet another gap in the ranks of those who have been Members of this Assembly and have helped in its work and deliberations in the past. Many of us were, I think, familiar with Sir Willoughby Carey's genial personality for he was a Member of this Assembly in the year 1925-26; but his association with the public life of this country was not confined to his membership of the Assembly. He represented the European community in the Bengal Legislative Council: he was a President of the Bengal Chamber of Commerce: he was also a President of the Imperial Bank, Bengal: and he was a Sheriff of Calcutta. We must all deplore the tragic suddenness with which death has removed a figure that was prominent in the commercial, business and the public life of the country. I would ask you, Sir, to convey our respectful sympathy to the relatives of the deceased in their great bereavement.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I entirely associate myself with the words that have fallen from the Honourable the Leader of the House. I had the good fortune of sitting in this House when Sir Willoughby Carey was a Member thereof and I know his popularity and geniality. In fact, Sir Willoughby Carey was one of those few men who spoke very little, but always acted in the best interests of the country of their adoption. Only the other day I saw him adorning the Distinguished Visitor's Gallery and little did I know that within a few days he will pass away. Sir, we on this side of the House feel that in the loss of Sir Willoughby Carey we have lost an esteemed friend and the country at large a personality which it can ill afford to lose. I need hardly say that the whole Opposition associates itself with all that has fallen from the Honourable the Leader of the House.

**Sir Leslie Hudson** (Bombay: European): Sir, I should like to contribute to the expressions of deep regret which have been voiced by previous speakers at the demise of Sir Willoughby Carey. Sir Willoughby Carey for many years was a very prominent figure in Calcutta, not only in commercial circles, but also in the social circles there. He was a prominent member of the Bengal Chamber of Commerce of which he was at one time the President and his unfortunate demise will be regretted by very many people who remember him as part of the commercial and social life of Calcutta. It is only a few days ago that I saw him myself in Calcutta and though I thought that he was not looking well, I had no idea that the end was so near. I should like to join in the expression of sympathy which is to be forwarded to Lady Willoughby Carey.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I associate myself with the tribute that has been paid to the memory of one of our late colleagues. I distinctly remember the place that Sir Willoughby Carey occupied in this House when Sir Campbell Rhodes resigned. It shall be my duty to communicate to the relatives of the late Sir Willoughby Carey the tribute of this House as placed on record.

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#### GOVERNOR GENERAL'S ASSENT TO BILLS.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I have to inform the Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature during the November Session, 1932, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act:

1. The Criminal Law Amendment Act, 1932;
2. The Bengal Suppression of Terrorist Outrages (Supplementary) Act, 1932, and
3. The Indian Tariff (Ottawa Trade Agreement) Amendment Act, 1932.

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#### MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I have received a Communication from His Excellency the Viceroy and Governor General which I shall read to Honourable Members:

(The Assembly received the Message standing.)

"In pursuance of the provisions of sub-section (3) of section 67-A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Legislative Assembly when the Budget is under consideration.

(Sd.) WILLINGDON,

*Governor General."*



# STATEMENTS LAID ON THE TABLE.

**The Honourable Sir George Schuster** (Finance Member): Sir, I lay on the table the information promised in reply to starred question No. 1588 asked by Sardar Sant Singh on the 5th December, 1932.

## RETIREMENT, ETC., OF MEMBERS OF THE SUPERIOR SERVICES UNDER THE RETRENCHMENT SCHEME.

\*1583.

### Statement.

| Number of members of the Superior Services (all-India and Central, Class I Services) subject to the administrative control of the Governor General in Council who have been retired under the retrenchment scheme. | Number of posts held by members of the Superior Services which have been, or shortly will be, abolished as a result of retrenchments. | Number of abolished posts which have been re-filled and emoluments given to new incumbents. |
|--|---|---|
| 57   | 191   | Nil.  |

**The Honourable Sir Joseph Bhoré** (Member for Commerce and Railways): Sir, I lay on the table the information promised in reply to starred question No. 1407 asked by Mr. Muhammad Anwar-ul-Azim on the 22nd November, 1932.

## RECRUITMENT OF MUSLIMS IN THE SUPERIOR SERVICES UNDER THE VARIOUS PORT TRUSTS IN INDIA.

\*1407.

### Statement.

| Port Trust.   | Question. |   |      |     |
|---------------|-----------|---|------|-----|
|               | (a)       | (b)   | (c)  | (d) |
| Aden . . .    | One .     | Yes. Nil, because the total number of posts are so few that vacancies seldom occur. | .... | ..  |
| Karachi . . . | One .     | Yes. One . . .  | .... | ..  |
| Bombay . . .  | Two .     | Yes. Two . . .  | .... | ..  |
| Madras . . .  | Nil .     | Yes. Nil . . .  | .... | ..  |

| Port Trust.  | Question.  |   |  |                 |
|--------------|------------|---|--|-----------------|
|              | (a)        | (b)   | (c)  | (d)             |
| Calcutta . . | <i>Nil</i> | Yes. <i>Nil</i> . Out of six probationary Traffic Inspectors appointed on probation in October, 1929, on Rs. 100—50—200, one is Muslim, two are Anglo-Indians and three are Hindus. The pay of the post of Traffic Inspector in which it is hoped in due course to confirm these probationers is Rs. 300/600. | Applications have been received from time to time during the past two years but as the Commissioners are not recruiting at the present time and do not anticipate any vacancies for some time to come owing to the acute trade depression, a record of these applications is not maintained. In the event of any post falling vacant the Commissioners would, according to their settled procedure, invite applications by advertisement in the press. | Does not arise. |
| Chittagong . | <i>Nil</i> | Yes. <i>Nil</i> , as no vacancy occurred.   | ....   | ..              |
| Rangoon . .  | <i>Nil</i> | The Commissioners' policy is to fill vacancies as far as possible by promotion with due regard to efficiency. When this course cannot be followed applications are invited by advertisement and the best candidate is appointed. No Muslims have been appointed during the last two years.                    | ....   | ..              |

NOTE.—Information supplied in answer to this question relates only to posts carrying a maximum pay of Rs. 500 or over per mensem and those filled during the current and the last year.

**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I lay on the table the information promised in reply to starred question No. 1855 asked by Mr. Gaya Prasad Singh on the 21st November, 1932.

## ALLEGATIONS AGAINST GARHWALI SOLDIERS AT MIDNAPORE.

\*1355. I have received the following report.

The gentleman named by the Honourable Member was cycling on the crown of the road when he met a patrol moving in arrow formation. It is the normal practice all over the world for civilians to make way for troops on the march. Having been requested to do so, he swerved suddenly, hit the flank man and fell off his cycle, the pedal of which cut his leg. After an inquiry had been held at the request of the District Magistrate, the latter granted an interview to the pleader, who agreed that the incident should be regarded as closed.

**Sir Thomas Ryan** (Director General of Posts and Telegraphs): Sir, I lay on the table the information promised in reply to starred question No. 1585 asked by Mr. Nubakumar Sing Dudhoria on the 5th December, 1932.

## OCCUPATION OF THE EASTERN HOSTEL IN NEW DELHI.

\*1585. (a), (b) and (c). The building is used for post and telegraph offices and for quarters of departmental staff and their servants : there are also a coffee shop contractor and an Indian grocer who supply staff requirements.

(d) 33 officials besides their servants and the Indian grocer.

(e) All the occupants excepting the grocer are entitled to rent free accommodation. The grocer pays rent at Rs. 25 per mensem.

(f) Does not arise.

|               |   |   |   |      |
|---------------|---|---|---|------|
| (g) Hindus    | . | . | . | 2*   |
| Muslims       | . | . | . | Nil. |
| Anglo-Indians | . | . | . | 32*  |
| Europeans     | . | . | . | Nil. |

(h) The building was originally constructed for the accommodation of Indian Members of the Legislature living in orthodox style, but was subsequently purchased by the Indian Posts and Telegraphs Department for the accommodation of their local offices and to provide quarters for staff attached thereto.

(i) Does not arise as the building is the property of the Posts and Telegraphs Department.

(j) Yes.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 1818 asked by Mr. S. G. Jog on the 21st November, 1932;
- (ii) the information promised in reply to starred question No. 865 asked by Bhai Parma Nand on the 7th November, 1932;
- (iii) the information promised in reply to part (h) of unstarred question No. 66 asked by Mr. N. M. Joshi on the 27th September, 1932;

\*Excluding servants.

- (iv) the information promised in reply to started question No. 1308 asked by Mr. Amar Nath Dutt on the 21st November, 1932;
- (v) the information promised in reply to unstarred question No. 177 asked by Khan Bahadur Haji Wajihuddin on the 30th September, 1932; and
- (vi) the information promised in reply to starred questions Nos. 1177, 1178 and 1179 asked by Mr. M. Maswood Ahmad on the 14th November, 1932.

#### GREAT INDIAN PENINSULA RAILWAY EMPLOYEES MUTUAL BENEFIT SOCIETY.

\*1318. (a) to (c). Yes.

(d) The Agent of the railway reports that he is not aware of any considerable dissatisfaction among the members of the Society about the management of its funds and other affairs.

(e) No. The balance of the assets of the Society on the 31st March, 1932, was in round figures, Rs. 5,30,000.

(f) The Society has not been registered under the Indian Companies Act XI of 1860.

(g) The question has been brought to the notice of the Agent.

#### CALLING OF TENDERS FOR THE AUCTION OF OLD SLEEPERS BY THE NORTH WESTERN RAILWAY.

\*865. (a) I am informed that no separate arrangements were made by the North Western Railway for the auction of sleepers and timber scrap at different stations for the period 1932-34. Applications were invited for the post of auctioneers to deal with auctions of all scrap so sold (including metal scrap) for the period 1st April, 1932, to 1st April, 1935.

(b) K. B. Adamjee Mamoojee of Rawalpindi conducted auctions of scrap from 1927 to 1929 during which period the bulk of metal scrap was sold by public tender.

(c). (d) and (e). Yes : except that the quotation of the third firm was a good deal below the highest tender which was Rs. 5 per cent.

(f) The quotation of Messrs. Jamssetjee's Sons was accepted.

(g) Yes.

(h) Messrs. Jamssetjee's Sons have been conducting auctions of scrap material on the North Western Railway since 1930 and the North Western Railway considered that the low rates of commission quoted by others would not permit of giving either the publicity to the sales or the service required to obtain the best results.

#### REVISION OF THE CADRES OF THE SUPERIOR SERVICES OF THE STATE-MANAGED RAILWAYS.

\*66. (h) A statement giving the necessary information is laid on the table.

*Statement giving the names of the subordinates officiating in Superior cadre in various departments of the Great Indian Peninsula Railway, on 1st November 1932, with their continuous officiating service up to 31st October, 1932.*

| Names of subordinates officiating in permanent and leave vacancies and continuous officiating service up to 31st October, 1932. | Total continuous officiating service in superior grade prior to 1st November, 1932. |                |          |
|---|---|----------------|----------|
| <i>Commercial Department.</i>   | From  | To             | Y. M. D. |
| 1. Mr. U. Dattatraya . . . .  | 1st Sep. 1930 .   | 31st Oct. 1932 | 2 2 0    |
| 2. Mr. F. Carvalho . . . .  | 7th Dec. 1925 .   | 31st Oct. 1932 | 6 10 25  |
| 3. Mr. F. J. Comes . . . .  | 11th May 1929   | 31st Oct. 1932 | 3 5 21   |
| 4. Mr. J. A. Marret . . . .   | 25th Feb. 1931  | 31st Oct. 1932 | 1 8 27   |
| 5. Mr. P. A. Karnik . . . .   | 8th May 1929 .  | 31st Oct. 1932 | 3 5 24   |
| 6. Mr. T. C. Wynne . . . .  | 21st May 1929   | 31st Oct. 1932 | 3 5 11   |
| 7. Mr. S. L. Purohit . . . .  | 17th Jan. 1932  | 31st Oct. 1932 | 0 9 15   |
| <i>Engineering Department.</i>  |   |                |          |
| 1. Mr. A. E. Aylott . . . .   | 8th June 1932 .   | 31st Oct. 1932 | 0 4 24   |
| <i>Mechanical Department.</i>   |   |                |          |
| 1. Mr. H. Fox . . . .   | 16th May 1930   | 31st Oct. 1932 | 2 5 16   |
| 2. Mr. G. Dyer . . . .  | 12th March 1931   | 31st Oct. 1932 | 1 7 20   |
| 3. Mr. A. C. Otto . . . .   | 25th March 1932   | 31st Oct. 1932 | 0 7 7    |
| <i>Transportation Department.</i>   |   |                |          |
| 1. Mr. G. Mullenoux . . . .   | 6th May 1926  | 31st Oct. 1932 | 6 5 26   |
| 2. Mr. W. R. Craig . . . .  | 20th June 1931  | 31st Oct. 1932 | 1 4 12   |
| 3. Mr. H. Smith . . . .   | 15th Dec. 1930  | 31st Oct. 1932 | 1 10 17  |
| 4. Mr. F. Found . . . .   | 27th Dec. 1928  | 31st Oct. 1932 | 3 10 5   |
| 5. Mr. L. J. Gellard . . . .  | 17th April 1930   | 31st Oct. 1932 | 2 6 15   |
| 6. Mr. W. P. Kirkwood . . . .   | 13th April 1932   | 31st Oct. 1932 | 0 6 19   |

\*1308. (a) The Bengal Nagpur Railway line runs along the southern side of Bankura Town separating from it a small suburb named Ketardanga.

(b) Yes. The road of the level crossing in question runs through Katardanga to Taldanga. There are three other roads between Bankura and its suburbs which cross the railway, and each road is provided with a level crossing.

(f) The suggestion made is not considered to be practicable.

(g) The existing gate is considered suitable for the purpose for which it has been provided. Strict orders are being issued that delays to road traffic, on account of the gates of the crossing being closed, should be reduced to the minimum that is compatible with safety.

177. The Agent of the East Indian Railway reports that an inter class season pass and a third class season pass were issued in favour of the East Indian Railway High School, Tundla between Tundla and Agra and Tundla and Allahabad available up to 31st December, 1931; as it was then considered that these passes were not necessary, they were not renewed after that date. The East Indian Railway Administration at present have under examination the question as to whether a duty pass should be issued between Tundla and Jumna Bridge.

(i) The passes were in the custody of the Head Master.

(ii) They were duty passes for use on the official business of the School.

(iii) The Agent East Indian Railway is not aware that these passes have been misused.

(iv) In the case of such passes each journey has to be entered and initialled by the authorised officer or the Station Master. In addition, such passes are subject to check *en route* by the ticket-checking staff and by the Accounts Department after they have been collected on the expiry of the period of availability.

\*1177. (a) Gazetted Officers 10.

### STRENGTH OF CHARGEMEN AT THE JAMALPUR WORKSHOP.

\*1178. (a)

**176.**

**PROFESSORS AND DEMONSTRATORS IN THE TRAINING INSTITUTE, JAMALPUR.**

\*1179. (a) There are no staff employed in the Technical School, Jamalpur under the category of Professor or Demonstrator. The staff consists of :

[illegible]

### THE INDIAN MARINE (AMENDMENT) BILL.

**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Marine Act, 1887, for a certain purpose.

The motion was adopted.

**Mr. G. R. F. Tottenham**: Sir, I introduce the Bill.

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### THE INDIAN FOREST (AMENDMENT) BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I move for leave to introduce a Bill further to amend the Indian Forest Act, 1927, for a certain purpose.

The motion was adopted.

**Mr. G. S. Bajpai**: Sir, I introduce the Bill.

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### THE INDIAN RAILWAYS (AMENDMENT) BILL.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill further to amend the Indian Railways Act, 1890, for a certain purpose.

The motion was adopted.

**The Honourable Sir Joseph Bhore**: Sir, I introduce the Bill.

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### THE REPEALING AND AMENDING BILL.

**Mr. D. G. Mitchell** (Secretary, Legislative Department): Sir, I ask your permission to move the motion standing in the name of the Honourable Sir Brojendra Mitter who, as you know, is unavoidably absent.

I move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

The motion was adopted.

**Mr. D. G. Mitchell**: Sir, I introduce the Bill.

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### THE INDIAN WIRELESS TELEGRAPHY BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I move for leave to introduce a Bill to regulate the possession of wireless telegraphy apparatus.

The motion was adopted.

**The Honourable Sir Frank Noyce**: Sir, I introduce the Bill.

## THE PAYMENT OF WAGES BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I move for leave to introduce a Bill to regulate the payment of wages to certain classes of persons employed in industry.

The motion was adopted.

**The Honourable Sir Frank Noyce**: Sir, I introduce the Bill.

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## THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

### APPOINTMENT OF TWO MEMBERS TO THE SELECT COMMITTEE.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, with your permission, I should like to make a slight amendment in the next motion which stands in my name:

I move:

"That the names of the Honourable Sir Brojendra Mitter and Mr. A. G. Clow be added to the list of members of the Select Committee on the Workmen's Compensation (Amendment) Bill."

I understand there is some slight doubt as to whether the Honourable Sir Brojendra Mitter is a Member of the Select Committee or not and my motion is intended to remove any doubts on that point. I should perhaps explain to the House that Mr. Clow's name is merely a restoration as, owing to his absence in another place, he ceased to be a Member of this Assembly for a short time since the Select Committee was originally appointed.

The motion was adopted.

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## THE CHILDREN (PLEDGING OF LABOUR) BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I move:

"That the Bill to prohibit the pledging of the labour of children, as reported by the Select Committee, be taken into consideration."

It will, Sir, I am sure, be within the recollection of this House that this brief and, in my view, wholly beneficent measure was discussed at some length in the course of the September Session and that it was then decided by the House that it should be referred to a Select Committee. Short as it was, it has, if I may say so, emerged from the Select Committee improved and strengthened in a number of ways. The agreements, the making of which was an offence under the Bill, have now been declared void. The most important modification which has been made by the Select Committee is a proviso which has been inserted in the definition of "agreement to pledge the labour of a child" in clause 2. That proviso is intended to bring out more clearly than was done in the Bill, as originally drafted, that there is no intention whatever to prohibit the employment of children. As was stated from these benches, in the course of discussion last September, in places where children can be and ought to be legitimately employed, this Bill throws no obstacle

3 P.M.



[Sir Frank Noyce.]

whatever in the way of their employment and creates no handicap in regard to it. I much regret to find from the Minute of Dissent which my Honourable friends, Mr. Puri and Mr. Jog, have put in and also from the amendments which stand in the name of Mr. Jog that they are still unable, or perhaps it would be more correct to say unwilling, to realise what is the underlying object of this Bill. The objection that is taken in it is not to particular acts of cruelty that may be done to children after their labour has been bartered away. It is to the whole principle of contracts from which, after they are made, the child and ordinarily his parent cannot escape. The objections to indentured labour which were so strongly felt in India in the case of adults and have led to the elimination of that system from Indian law—I would remind the House that it removed the last relics of that system from the law of India when it repealed the Assam Labour Act last September—were not based on the possibility that indentured labourers might be cruelly treated. They rested on the view that the system tended to temporary slavery, because the labourer was compelled to continue to serve his employer under pain of prosecution. There is no question of prosecution in the present instance but the child is tied to an employer, generally at an early age and for an indefinite period and there is not even the excuse which there was for the system of indentured labour that the labourer himself is a free agent when he enters into the indenture. The fundamental wrong at which this Bill is aimed is not cruelty to those in bondage. It is to the bondage itself with its resemblance to slavery and its contempt for human personality. The fact that harsh conditions almost inevitably follow when children are so tied is an added reason for stopping the practice, but the elimination of harsh conditions would not make the practice harmless or unobjectionable. In other words, this Bill is not one for the prevention of cruelty to children, but it has that effect, that is an additional argument in favour of it. As regards the further objection which has been raised by Mr. Puri and Mr. Jog and which has been endorsed by Mr. Lalchand Navalrai and Mr. Maswood Ahmad that the Bill seeks to throw the burden of proof on the employer, that is based on the same misconception of the purpose of the Bill. The Bill starts with the presumption that *all* service bonds in the case of children are objectionable, and it follows from this that it is only the employer who can prove that a particular agreement is not open to objection; it is for that reason that the burden of proof is placed on him.

Sir, with these few remarks I commend this Bill to the consideration of the House in the confident expectation that it will receive the same generous measure of support from all quarters that it did when it came up for discussion in the September Session.

Sir, I move.

**Mr. N. M. Joshi** (Nominated Non-Official): Sir, I rise to support the motion made by the Honourable Member for Industries and Labour. At the same time I must make it quite clear that I am not quite pleased with the amendments introduced by the Select Committee. The Honourable Member stated that most of these amendments were an improvement in the Bill. I hold that not only are they not improvements, but they have made the Bill more reactionary.

**An Honourable Member:** But you did not give any note of dissent.

**Mr. N. M. Joshi:** It is true that I did not write any note of dissent. I did not do it, because I felt that Government who sponsored this Bill weakened in their desire to give sufficient protection to the children of this country and I thought it would not serve any useful purpose if I wrote a minute of dissent. Moreover, Sir, as you know, I am quite moderate in my political persuasion and so I thought that on the whole I should be content with the Report of the Select Committee for the present. I am very glad that the Honourable Member in charge of the department has stated very clearly what the object of this Bill is. The object of this Bill is not to prevent cruelty to children, but to prevent exploitation of children by their parents; and, therefore, every agreement by which a parent derives some benefit for himself should be made void as well as an offence. Sir, when the Bill was discussed last time in the Assembly, one of the Members stated that there were poor people in the country who found it very difficult to find money for the maintenance of their families, and, therefore, it became necessary for them to pledge their children. Sir, I sympathise with the families who cannot maintain themselves by the hard work of their adult members. It is a grievance that even though the adult members of the families work very hard for a large number of hours, they should not be able to maintain their families. But the remedy is not to make children work in addition to the adult members of their families. The remedy lies in organising themselves and in protesting against the low wages which the employers in this country with the connivance of Government give. If they are organised, they can induce Government to bring forward measures to fix minimum wages so that families of hard-working adult people may be maintained in comfort. But, if such families begin to depend upon the wages of their children, they do harm to themselves, to their children and to the whole country. It is, therefore, right that Government should come forward and prevent such families from relying upon the labour of children for the maintenance of their families.

I need not also say anything about the second objection which some Members have raised, namely, that the Bill presumes that every contract for the pledging of children's labour is a bad contract. It is a bad contract for the reasons which I have stated. Child labour is itself bad and the pledging of child labour is worse. Therefore the presumption is that every contract for the pledging of children is a bad contract; and, if any employer has to make any agreement with regard to the labour of children, he must prove that it is a good contract. Similarly the objectors of this Bill also say that *per se* the act of child labour is not a bad act. It is a bad act, and, therefore, the principle of the Bill is a sound principle and that principle is that no family, no parents and no guardians should be allowed to exploit the children for the sake of the maintenance of the family. Sir, I have nothing more to add on this Bill; I support the motion made by the Honourable Member.

**Mr. S. G. Jog** (Berar Representative): Sir, it is no doubt true that I am in general sympathy with the measure that is before the House and the motion for taking it into consideration. At the time when this Bill was introduced, I had an occasion to talk on this measure and, even at that time, I gave a warning that we were rather going too fast so far as this welfare of children was concerned. The purpose of the Bill, so far

[Mr. S. G. Jog.]

as I can see, is to decide what the nature of the contracts that are entered into for the pledging of children should be. If you look at section 28 of the Indian Contract Act, you will find that it is not clear in that section as to what contracts are void and whether such contracts as pledging of children will be governed by that section. The object of this measure, as I understand it, is to make *per se* all such contracts for the pledging of child labour void so that the Courts shall have no discretion in the matter. That seems to me to be the purpose of the Bill. As soon as there is a contract, the Courts will presume that it is a void agreement and no Court will give any relief under that contract. In order to clear this doubt, I think this measure was introduced. But what I find now is that they are going much further and they have made a provision that not only will such contracts not be given effect to, but over and above that such contracts will be penalised by making it an offence. I should like to draw attention to clause 3 which says :

"Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child, shall be punished with fine which may extend to fifty rupees."

There is another penal provision in clause 4 :

"Whoever makes with the parent or guardian of a child an agreement whereby such parent or guardian pledges the labour of the child shall be punished with fine which may extend to two hundred rupees."

I first take objection to the very premise that the parents in India are negligent of the welfare of their own children and it is the bureaucracy which care more for these children. That proposition I most emphatically deny. The parent has got the welfare of his children at heart much more than the bureaucracy claim to have. This measure has been introduced by those people who are not in touch with the realities of village life. I have no grievance against the sponsor of this Bill: probably he is not in touch with village life; but what I am surprised at is to find that my friend, Mr. Joshi, should also not be in touch with what goes on in villages. . . .

**Mr. N. M. Joshi:** It is because I am in touch with what goes on in the villages that I am supporting this Bill.

**Mr. S. G. Jog:** You are supporting it from the wrong point of view. Take a family. In a village a family consists, say, of five people, a man, his wife and three children: one man's earning is hardly sufficient to maintain this family consisting of five people. . . .

**Mr. N. M. Joshi:** Go on strike.

**Mr. S. G. Jog:** What are they going to do? If you introduce this measure, you make it restrictive to employ them and getting some money or finding out employment for them. Under these restrictions, do you mean to say that anybody would like to employ such children? And if these children are not employed, what will be the result? They will be without any wages and the result will be starvation as one man alone will not be able to support his family. What I am afraid of is this. With a view to doing good and seeking the welfare of the children, you are doing

more damage than good by this measure. I have, therefore, made a suggestion. The object of this Bill is to remove a hardship. It is just possible that in the case of factories the pledging of child labour goes on and there the children are put to trouble and harassment. But take the case of these domestic servants or agricultural servants, where boys do part-time work and help the family. I do not see where the harm is. Everywhere you have the question of unemployment in villages: nowhere they are properly taken care of: they have no proper clothing and no food to eat; and with this measure what are you going to do? You simply make laws, but what provision have you made to meet the case of unemployment in villages? So long as you are not prepared to make provision for reducing unemployment, you are not justified in making such laws, much less laws of a penal nature. Supposing a man enters into a contract and, later on, finds that he is hauled up in Criminal Courts,—the result will be that he will be fined fifty rupees. How is he to get this amount? In default he will be sent to jail. That will be the effect of this measure. If employers will not help these boys, because there is this liability to criminal punishment, then what becomes of these people? Who is going to help them? Those who are concerned with village life, those who come in contact with villagers, will probably realise how at times it is difficult to find money; and who is to come forward to help them with such measures before them? We have, therefore, suggested that the provisions of this Bill should be only restricted to factories or some such works where hardship is expected; but so far as domestic or agricultural service is concerned, I think this Bill should not apply to that at all; and, over and above that, I have also suggested that in no case should these things be made an offence. We should be rather cautious. This is the first time that we are introducing a measure of this sort and we are at once starting by making it an offence. Let us be content for the time being with only this provision that such contracts are void. That will serve as a sufficient check for the time being; and if, after some time, some experience is gained and then we find that the purposes of this Bill are not served, then we may introduce further legislation making it an offence. Till then I think we should take away this provision making it a penal offence. We should remain content for the time being with saying that the contract will be void, so that the employer will not be able to enforce a contract from the parent. In working also it will be very difficult as you will find from the proviso which says:

“Provided that an agreement, made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition.”

Just see how impracticable in working it will be to determine as to what are reasonable wages. Wages differ from place to place, from town to town and from province to province. What is reasonable in one place may not be reasonable in another. When the matter goes to Court, the first thing to consider is whether the contract was entered into on this basis, that the wages entered in the agreement are reasonable or not. In every case that issue will arise and it will have to be decided as to what are the reasonable wages in that particular locality. How difficult it will be to decide for the Courts so long as there is no standard? Under these circumstances are the contracting parties to risk a prosecution? As soon as the Court finds that the wages entered in the contract are unreasonable,

[Mr. S. G. Jog.]

the party concerned will be hauled up before the Court and fined. With these observations I suggest that the penal nature of the offence should be taken away from this measure. I also suggest that the Bill should be restricted only to those factories where some hardship is expected and it should not affect agricultural or domestic servants. So far as I can see, there is no material to justify the application of this measure to domestic or agricultural servants. Probably the Government may have some material where children are harshly treated in factories or some other concerns. So far as domestic and agricultural services are concerned, I do not think Government have got any sufficient material to justify such a legislation. I suggest that the Bill may be taken into consideration subject to the remarks I have made.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Sir, I heartily support this Bill. It is well known that especially in villages needy parents are ready to pledge the labour of their children when they are 8, 9 or 10 years of age, and wealthy people recruit such boys and employ them to watch their cattle and so on, and this pawning of labour goes on for years; sometimes it goes on for the whole life of the child and even after the child becomes an adult. This system of pawning a child's labour is a very bad and vicious system. It leads almost to slavery, and, therefore, I welcome the step which the Government have taken in coming forward to put a stop to it. I think the limit of 15 years is rather low; it ought to be 18 years, and that is the suggestion I would like to make. The Act does not intend that children should not earn wages and help their parents. All that the Act aims at doing is to put a stop to the pawning or pledging of labour of a child beforehand, and, therefore, I heartily support this measure.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division: Muhammadan): Sir, I had no intention to intervene in this debate but for the observations made by my friend, Mr. Jog. It appears to me that my friend, Mr. Jog, is under a misconception. He says that he knows the village life so well as to think that this is not an evil which exists in our society. I may tell him that we have also got sufficient experience of our people, and we know very well that there are a large number of parents who do not consider the hypothecation of the labour of their children an evil for the purpose of their own gains. If the agreement is made without detriment to the interests of the child, it will not come under this Act at all. It is only when the agreement is detrimental to the interests of the child that this Act will come into operation. Therefore, there need not be any kind of fear for those parents who enter into an agreement with the sole object of improving the condition of their child. It is only when the agreement is detrimental to the interests of the child that this Act will come into operation. We know lots of cases in which poor children have been very harshly treated by their parents, I should add, unconsciously,—they do not mean to treat the children harshly, but such is the social custom, such is the social system of those people that they do not consider the pawning of labour of their children as harmful. That is the reason why they do it, and, therefore, it is the duty of the State to teach such parents how to behave towards their children when they are young and immature. I feel, Sir, that the State ought to have taken up this question much earlier. It has now fallen to the lot of my friend, the Honourable

Sir Frank Noyce, to take up this question and confer a boon, I should say, on the people of this country by rousing the feeling of the people to their duty in this matter, and, therefore, I feel that without any modification whatsoever in the Bill, it should be passed into an Act. I heartily support this measure.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): Sir, I have every sympathy with the object of this Bill. This Bill, as I understand it, is intended to prohibit the pledging of the labour of children by their parents. I am personally against the pledging of any form of human labour, whether it is of children or of adults . . . .

**Maulvi Muhammad Shafee Daoodi**: Adults are free.

**Diwan Bahadur Harbilas Sarda**: Pledging of human labour in any form is really tantamount to men being allowed to be treated like chattel. This Bill does not restrict the employment of children. If that were so, the issue would be quite different. The object of this measure is merely to prohibit the pledging of the labour of children. A man may take money and pledge the labour of his son or his ward for a certain period of time. As it is, it smacks of nothing but slavery. It is a remnant of that attitude of mind which supported and kept up slavery; it is only such an attitude of mind that will support the pledging of labour. It must be remembered that a child has no voice when its labour is being pledged, and, I personally think, Sir, that it is,—I would not use very strong language,—but it is a great evil that any child's labour should be pledged by anybody on its behalf. I, therefore, strongly object to the proviso which has been added evidently by the Select Committee to clause 2 of this Bill. I think that before this proviso was added, the Bill was a much better one than it at present is. If we read the first part of clause 2, we find this:

"In this Act, unless there is anything repugnant in the subject or context: 'an agreement to pledge the labour of a child' means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment, or benefit received"

and so on, but the proviso tries to nullify the first clause by the explanation that:

"Provided that an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition".

This Bill, as amended, does not put a stop to the pledging of child labour. By the insertion of this proviso, you are defeating the very object of the Bill.

Sir, I have not sent in any amendment, and it is not possible for me to divide the House on this matter. But I strongly object to the proviso, and I would ask the Government to consider this matter seriously, because, by the insertion of this proviso, three-fourths of the value of this Bill is lost.

[Diwan Bahadur Harbilas Sarda.]

As my friend, Mr. Jog, said, it will be very difficult to determine whether an agreement is detrimental to the interests of the child or not. A child of eight years is there and his labour is pledged; a child of 14½ years is there and his labour is pledged. Now, is the case to go to somebody to determine whether it will be to the detriment of the child to pledge his labour? Then the proviso says: "terminable at not more than a week's notice". That means that any agreement can be made pledging a child's labour for, say, six months or a year, but terminable at a week's notice, that agreement will not be an agreement under this Bill, and, therefore, the provisions of this Bill will not apply to it. If this is the proper reading of the position, I think that the chief object of the Bill is lost. I, therefore, consider that the Government should look into the matter carefully; either they should amend or delete this proviso altogether. With these remarks, I say that I am very glad that this measure has been introduced, and the object of the Bill is a very laudable one indeed.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Sir, even before the Government thought of bringing forward a measure like this, I might say that during the investigations made by the Royal Commission on Labour, a certain number of witnesses came forward in the province of the Punjab,—I think it was from the Amritsar Carpet Factory,—and gave evidence of that size which showed that the labour of tender boys of eleven and twelve years of age was pledged, and a number of documents were found with their parents which showed that they had pledged the boys for a fixed period of, say, a year or two . . . .

**Mr. H. P. Mody** (Bombay Millowners' Association: Indian Commerce): Anybody of your size?

**Mr. K. Ahmed**: Marks of injuries were found on the bodies of these boys. Advance was taken by the parents of these boys, and these boys had to work for a fixed period, number of months, for a period of one year or two, and so on, without proper education or without any proper undertaking given by the employers that these boys will be treated properly.

We found in Madras that *beedi* factories took boys who had to go there in the morning and work till evening without even an hour or two of recreation in the interval. The poor boys were ill fed, ill clothed, and not properly looked after, and they had to undergo a lot of hardship. We found the same in Ahmedabad. There were written agreements entered into for the labour of young boys of tender age, who had to work every day for long hours. These are the things which the Royal Commission found, and at page 102 of their report they say:

"The system is indefensible; it is worse than the system of indentured labour, for the indentured labourer is, when he enters on the contract, a free agent while the child is not. The State would be justified in adopting strong measures to eradicate this evil. The giving of advances to secure the labour of children and the execution of bonds pledging such labour could both be made criminal offences. But, as there may be other questions of policy to be taken into account, we commend the proposal for examination by Government. In any case we recommend that a bond pledging the labour of any person under the age of 15 years, executed for or on account of the receipt of any consideration, should be void. This will not interfere with any honest system of apprenticeship. . ."

As regards what my Honourable friend, Mr. Jog, said, this is a Bill which will not interfere with those boys of tender age who are working in the household, but their parents are not allowed to take advances and pledge the labour of these boys—not to receive marks of injury on their bodies any more. But if they choose, their children below fifteen will work there and be taken care of, properly clothed, or nicely educated, and it is not contemplated to interfere with that from the side of the bureaucratic Government. And it is not the bureaucratic Government that has taken up this matter. They have merely taken up the recommendation of the members of the Royal Commission on Labour. Some of these have taken care of children in the West, and half a dozen of them have taken care as fathers of many of their household families, and they have got in their employ a number of servants of tender age also. There is no restriction on that, but certainly taking money by the parents and pledging the children and thereby compelling them to work for a number of years is not desirable. My Honourable friend, Diwan Bahadur Harbilas Sarda, supported the Bill in a vacillating manner. But his heart is sound and soft and I hope he will accept the Bill without any alteration. Sir, I support the Bill.

**Mr. A. G. Olow** (Government of India: Nominated Official): Those who have criticized the Bill seem to be of two opinions—some that it is too stringent, and others that it has been unduly weakened in Select Committee. I might leave those opinions to cancel each other, but I would like just to say something, particularly in reply to what fell from my Honourable friend, Mr. Jog. It is quite clear that he signed his minute of dissent under the misapprehension that the object of this Bill was to prevent cruelty. That misapprehension having been removed by the speech of my Honourable friend in charge of the Bill, he has fallen into another, that the object of the Bill is to check the employment of children; and I admit that the speech of my Honourable friend, Mr. Joshi, did seem to give some colour to that view. But if one looks at the purpose of the Bill, as Mr. Jadhav pointed out, the essence of it lies in a point which has hardly been touched by Mr. Jog. It lies in the fact that the children whom we are endeavouring to protect are bound down to the employment, in other words, that they are there and that they cannot get away. There is nothing whatever to prevent Mr. Jog employing a child and giving him such reasonable treatment that he will be willing to stay in his employment. That is what good employers, a majority of the employers, in fact, all but a few employers throughout the country do. They depend on the conditions that they are offering to retain children in their employment; they do not depend on bonds or some terms or conditions that will prevent the child from getting away and will prevent the parent from taking away the child. Mr. Jog seemed to suggest that we were inviting the Legislature to interfere in a bureaucratic manner with liberty, the liberty of the parent, and possibly the liberty of the child. Actually the Bill is designed to protect liberty. The position at present, as I understand it, is that if you enter into some of those bonds such as were cited before the Royal Commission and produced before them, whereby in return for a comparatively small sum of money you can hand your child over to an employer for many years—as we understood the position, that bond will be enforceable in the Courts; and when the parent, realising his mistake, wishes to withdraw his child, the bond stands in his way. That is the system at which the Bill is aimed. }



[Mr. A. G. Clow.]

And that I think is the answer to the point raised by my Honourable friend, Diwan Bahadur Harbilas Sarda, who complained of the proviso which the Select Committee had inserted to clarify the position and said—if I put his argument rightly—you can make an agreement for a year or two years or more or as long as you like, but so long as it is terminable at a week's notice, it is all right. Precisely: that conserves our object. It is not that the child should not be employed, but that if he is employed, he should be able to cease his employment and not be bound by a contract. Only last week I heard of some cases in Delhi—I did not know that the evil existed there previously—in which children of some poor, illiterate Chamars, who were indebted to the money-lender, were compelled to work for the money-lender who took their labour in lieu of not recovering the debt. I feel sure that the House will agree that cases like that are cases that should be severely dealt with, and that the criminal penalty of the slight kind approved by the Select Committee is not unduly severe.

I should, in conclusion, just like to refer to Mr. Jadhav's suggestion that the age might be raised to 18. In most of our labour Acts, such as the Workmen's Compensation Act and the Factories Act, a child becomes an adult at 15 or earlier and I hope he will agree with me, knowing what Indian boys of over 15 are, that there is very little likelihood of their agreeing to serve under very harsh conditions by virtue of contracts entered into after they have reached that age.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadan): As a member of the Select Committee it is a great pleasure to me to support the motion before the House, and I offer my hearty congratulations to the Honourable Member in charge for the promptitude with which he has brought forward this piece of legislation. He tries to remove a blot which is generally felt to exist in agricultural and industrial labour conditions obtaining in this country. It must be a matter of satisfaction to my Honourable friend to see that all sides of the House have joined in giving support to this measure, and my friend, Mr. Jog, will realise that he is ploughing a lonely furrow, and I would ask him whether it is worth while to move the amendments of which he has given notice. The labour condition, under which the pledging of labour of children is possible, is a blot obtaining in the village life of this country. I know of an instance in my own village. The father of my servant, Kamla, took a small loan from a village money-lender, and, in return for that, my servant's brother was given to work for that money-lender for years and years together. No account was kept and the boy had to go on working much against his wish and the wish of his father, because he was bound hand and foot in that sort of agreement. There was no way out of the transaction, till some of us intervened and settled the accounts, and the servant became a free man again. He was less than 15 years when this contract was entered into. Now of course he is a free man, and he is working elsewhere. This is the condition which obtains in many parts of the country, and we must now face the actual facts and try to remove a blot which exists in the labour conditions of the country. I quite appreciate the argument which has been advanced by my Honourable friend, Diwan Bahadur Harbilas Sarda, who proposes to omit the proviso which has been inserted by the Select Committee. I may assure him that that was, if I remember aright, as a result of an agreement arrived at between two sets of views represented on the Select Committee, and the sum and substance of that provision is to allow

the employment of children even under 15 years of age terminable at a week's notice. On the whole, this is a very salutary piece of legislation. It will be beneficial to the children. It conduces to their welfare, and it gives them an opportunity not to be bound down in any contract at the sweet will and pleasure of the parent or guardian. With these words, I support the motion before the House.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): I had also the honour of being one of the members of the Select Committee and I know the pains the members took in arriving at their decisions. On the one hand we had to meet such cases where weak and unprovided parents were compelled,—I would not use the word 'pledge'—to get their children earn a living. It was with that view that this proviso was put in and if my friend, Mr. Sarda, will read the note of dissent of Mr. Puri, he will find that it is mentioned there that the principle of the Bill was that there should be no hardship or cruelty to children and that the securing of a monetary gain by the parents to the detriment of the children was objectionable. Otherwise there was no need for us to add this proviso. Mr. Jog raised this objection in Committee and I asked him then and I ask him now, who is to be the offender? It is the parent or the guardian himself that commits this offence and the only person who should be punished is the parent or guardian. We expect that the salutary laws which should be the guiding principles of civilisation should be introduced in our country and I think that by introducing such laws we are doing good to our own country. If the parent or guardian does something against morality or the interest of the child, he is the person who should be punished. With these words, I support the motion.

**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras: Muhammadan): I give my wholehearted support to this Bill. I happened to be in the Committee myself and I remember very well that the proviso to which Diwan Bahadur Sarda referred just now was introduced because of a desire on the part of the members of the Committee to make an exception in the case of domestic servants. This was pressed and an agreement was reached whereby that proviso was introduced. I can assert that what the members of the Labour Commission had in mind were cases where the labour of such children was actually pledged. I do not suppose for a moment that it is the intention of the members of the Labour Commission to extend it to the case of children who are employed for domestic purposes. Sir, these three conditions are to be satisfied in order to exempt children under the age of fifteen years being employed. The first is that the agreement should not be to the detriment of the child, that the agreement should be restricted to the period of wages being paid for services, and it ought to be terminable at not more than a week's notice. That makes it clear that it is the intention of the proviso to restrict the application of this Bill to cases where the employment of children under the age of fifteen would work extreme hardship, as in the case of those factories to which my Honourable friend, who was also a Member of the Royal Commission on Labour, has just now referred. As regards the observations of my Honourable friend, Mr. Jadhav, that a child ought to be defined as one under the age of 18 years, I beg to differ. As a matter of fact, in the case of the Factories Act, I find that the age is limited to fifteen, although the nature of the undertaking there is more or less hazardous, whereas this enactment is a more general enactment and does not particularly refer to factories. As a matter of fact, I should consider that it

[Mr. Muhammad Muazzam Sahib Bahadur.]

would be far better to limit the age to twelve instead of to fifteen, because this Bill contemplates the labour of children who are not employed in hazardous undertakings. On the whole I am in entire agreement with my Honourable friend, the Mover of this motion, and I heartily support it.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I was a member of the Select Committee and I feel it my duty to say a few words on this motion. I have agreed to the Select Committee's Report subject to a note of dissent which is with regard to the burden of proof only. I have stated in my note, attached to the Select Committee's Report, that the burden of proof must be on the prosecution. Sir, this question of the burden of proof has been very lightly considered today. I am sorry I did not find yet any lawyer member getting up to insist upon this fundamental right of the burden of proof being upon the prosecution, but, before I go into the question of the burden of proof, I must remove one misgiving or misunderstanding which I find in the argument of my Honourable friend, Diwan Bahadur Harbilas Sarda. Sir, it was I chiefly who was responsible for having this proviso added to clause 2 by giving an illustration. Sir, as the original Bill stood, clause 2 was too drastic, I should say. It related to an agreement to pledge the labour of children, and it was defined thus:

"an agreement to pledge the labour of a child' means an agreement, written or oral, express or implied whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the child to be utilised in any employment."

This was very general and I gave an illustration to prove its evil effect. I referred to the cases of boy servants in our houses. Now, those boy servants are given over to us for employment by their parents or guardians. Those parents and guardians do receive a certain remuneration, and if there was even volition on the part of any of the parties to the agreement to terminate the agreement, then too it would have come within clause 2 as it stood before the addition of the proviso and penalized. In that case, the door will be shut against even boy servants being taken into service for domestic purposes. It was, therefore, considered very necessary that this general clause should be restricted, and it has been modified by putting in certain conditions,—for example, that there must be a notice

4 P.M. on either side to dissolve the agreement making it not for an indefinite or a fixed term . . . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order. Mr. Amar Nath Dutt.

## MOTION FOR ADJOURNMENT.

EXECUTION OF NARSINGH PRASAD BHABANI AND TWO OTHERS.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move:

"That the House do now adjourn"

in order to discuss a definite matter of urgent public importance, namely, the impending execution of Narsingh Prasad Bhabani and two others on the 3rd February in which one of them has confessed exonerating the other two and confessing that he alone was responsible for the murder.

Sir, I must at the outset give a short history of the whole case. There was a murder in Jamshedpur sometime in June last, and one Nagendra Nath Chakravarty was said to have been murdered. A few days afterwards, a headless body was found about seven or eight miles away from the town of Jamshedpur and there was a *post-mortem* examination over it. Three or four days after that, two portions of the skull, namely, the upper skull without the lower jaw and, later, another portion with the lower jaw were found and there was a further *post-mortem* examination on these two, and the medical evidence is not positive about the skull belonging to the body; it was only said that that might just be possible. Whatever may be the truth; let us assume for argument's sake that one Nagendra Nath Chakravarty was murdered. Now three men were sent up for trial. They were committed to the Court of Sessions to take their trial and the learned Sessions Judge convicted all the accused under section 302 read with section 34 of the Indian Penal Code. There was an appeal to the High Court of Patna. Their Lordships of the High Court rejected the appeal. There was a prayer for leave to appeal to the Privy Council. No leave was granted and there was no appeal to the Privy Council. The execution of these men, which was confirmed by the High Court, was fixed to take place sometime in October last, but owing to their having applied for leave to appeal to the Privy Council, it was postponed. Then, again, when leave was refused, the 13th of January last was fixed for the execution of these three men.

On the 12th, that is, just before the day of the execution, the Superintendent of the Jail was requested by one of the condemned prisoners to see him and when he went there, with the jailor, the sub-assistant surgeon and others, he made a full confession to the effect that it was he and the taxi-driver who murdered the man in question and that the two other men had nothing to do with the crime. In the light of this statement made just before the day fixed for the execution, the Superintendent of the Jail was good enough to send a wire to the Local Government and postponed the execution. But the Local Government, without making any inquiry, has fixed the 3rd of February as the date for execution. Of course, I am not going to criticise the judgment of the learned Sessions Judge or that of the High Court, but, in order to understand the whole case, it will be necessary for me to make before the House certain statements. One is that the whole of the conviction of the three men is based upon the uncorroborated testimony of one who is nothing if not an accomplice.

Sir, you will permit me to state here, not in criticism of the judgment, but only to show the specimen of the evidence on which these people have been convicted and the other story now given out by one of the condemned men to enable the House to judge, which story is more probable. Sir, the whole conviction is based upon the confession of one of the accused. In this connection, I beg to draw the special attention of the Honourable the Home Member to the fact that from the perusal of the judgment he will find that this confession is no confession under the Criminal Procedure Code at all. Even the learned Sessions Judge has been obliged to observe that only the substance of the statement was taken down and not the questions and answers as is required by section 164 that the evidence should be taken down as is laid down in section 364 of the Criminal Procedure Code. This confession was retracted before the committing Magistrate and also the Sessions Judge. He gave out at that time that he was induced to make a confession like that, because he was persuaded

[Mr. Amar Nath Dutt.]

by the police that if he did so, he would be granted a pardon under section 337 of the Criminal Procedure Code. I would like to draw the special attention of the Honourable the Home Member to the fact that the police used the words "under section 337 of the Criminal Procedure Code" and the sub-inspectors, who were with him and under whose influence he was, showed him a book containing that section. He is a man employed in the Tata's, and, Sir, he is not a lawyer, though the learned Sessions Judge tried to show that probably his father-in-law, who is a lawyer, might have imparted some legal knowledge to him. But there is no ignoring the fact that he used the words that the police told him that he shall be granted pardon under section 337. That fact induced him to make the confession and that confession was retracted at the very first opportunity before the committing Magistrate and the Sessions Judge. Then, as regards implicating the other two men who were said by the other accused to be innocent, the only motive that is alleged is that the deceased and this accused used to occupy the same quarter and he wanted to have the whole quarter to himself. In this connection, you will pardon me, Sir, if I read only three or four lines from the judgment of the learned Sessions Judge where he says that he too was not convinced of the motive in this case. He says:

"These facts indicate that for some reason accused No. 2 wanted that accused No. 1 should have the entire quarter. This is the only motive alleged on behalf of the prosecution and it has been made out that this does not appear to be adequate for killing the man as there is nothing to show that even if the man was killed the whole quarter would be given to accused No. 1."

I appeal to all the Honourable Members to consider whether for this paltry reason, namely, to get hold of the whole quarter, even when that chance was rather remote, a man would commit a murder. Now, Sir, I beg to draw your attention to one other fact about the motive suggested at the last moment, that is on the 12th January, by the other accused who has also been condemned and whether this is more probable. The names of these three accused are No. 1 Narsing Prasad Bhabani, No. 2 Kasim Khan, and No. 3 Musta Ali. Musta Ali says that Kasim Khan and Bhabani had nothing to do with the murder. It cannot be suggested that these three consulted each other and decided that one of them be hanged and the other two be saved, because from the evidence which was recorded later on it will be seen that they were locked up and had no access to each other. The night watchman says in his evidence: "I did not notice Umar Khatab talking to other condemned prisoners; they were in their cells and locked up". The prosecution story was that because accused No. 1 wanted to have the whole quarter and he did not get it, this murder was committed. While, on the other hand, you will find, the Jail Superintendent says:

"Umar Khatab told me (*this was on the 12th January*) that he and the driver had murdered the man and that the accused Narsingh Prasad Bhabani and Kasim Khan had nothing to do with it."

As a matter of fact, this Umar Khatab was hired by one Pir Muhammad who promised to pay him Rs. 800 as his remuneration if he committed the murder. Out of this amount, Rs. 200 was paid to him.

The reason given out is that the deceased was in intrigue with the wife of a certain Sikh and the Sikh requested one Pir Muhammad to get hold of a man who would murder this man. This Pir Muhammad got Musta Ali to commit the murder for Rs. 800 out of which Rs. 200 was paid. This full confession was made just on the day previous to that which was fixed for his execution and when all the three accused had no access to each other. Considering all these circumstances, I submit that the Honourable the Home Member will kindly see his way to order an inquiry about the truth or otherwise of the statement of the condemned man. If an inquiry is held in the matter, I think new light may be thrown; and if no new light is thrown in the matter, they will pay the extreme penalty of law. So, nothing will be lost by postponing the execution for some days and to hold an inquiry. That is what I want the Honourable the Home Member to consider and it is for this reason that I have moved this motion for the adjournment of the House.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): The facts of the case, as stated by the Honourable the Mover of this motion for adjournment, are these. A certain murder took place, its motive being that there was a promise of Rs. 800 to be paid, out of which Rs. 200 was actually paid. This is the only motive. Another allegation was that if the murderer finished the life of the person murdered, he will get a full share of the quarter where they used to live. These facts are all opposed one by one by the other side. But the findings of the learned Judge are not disclosed by the Mover of this motion. I suppose there must be a finding in conviction under section 302, Indian Penal Code. If that is lacking, I do not know how I can say that the Judge was right. I suppose there was an appeal to the Honourable the High Court and the application was summarily rejected by two of the Divisional Judges of the said Court. While dismissing the appeal as above, the Judges were not required to give reasons. That fact also is not mentioned by the Mover of the motion. If the facts are not properly narrated, how can Honourable Members of this House decide as to which lobby they should go. Now it comes to this also that there was an application for leave to appeal to the Privy Council which was not permitted by the High Court. It is also necessary that in applications of that description the facts must be fully set out. Nothing of the sort has been given out by my friend. He has stated that a confession was made by the co-accused, Kasim Khan and Narasingh Prasad Bhabani. If a confession is made, the Magistrate has got the power to pardon any man under section 337, Indian Penal Code:

"In the case of any offence triable exclusively by the High Court or Court of Session, or any offence punishable with imprisonment which may extend to ten years, or any offence punishable under section 211 of the Indian Penal Code with imprisonment which may extend to seven years or any offence under any of the following sections of the Indian Penal Code, namely, sections 215-A, 369, 401, 435 and 477-A, the District Magistrate, a Presidency Magistrate, a Sub-Divisional Magistrate or any Magistrate of the First Class may, at any stage of the investigation or inquiry into, or the trial of the offence with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof."

If that is the case, my Honourable friend said that a sub-inspector of police made an investigation into the criminal case and if a fellow conspirator of the accused persons made a confession and he was taken

[Mr. K. Ahmed.]

before the Magistrate, he has got the power to pardon under section 337. But the difficulties are that that confession made before a Magistrate has got to be corroborated. It is the statement of an accomplice who has been aiding or abetting the murder. If that is so, his statement has got to be scrutinised. These facts have not been placed before this Assembly, before they are asked to give a verdict on this vote of censure. The difficulty is that under section 164, the police make an investigation and record statements of witnesses at the locality and elsewhere. He did not take down word for word the statement made by the people there. The substance was recorded evidently by the Magistrate, because he does not say that it was made by the police. My friend does not know his case and he is, therefore, moving about on the floor of the House to give a supplementary brief to his other friends. He knows the practice and procedure very well and now he cannot make another ground of appeal in his main application while he is defending a man. Therefore, as far as the matter stands at present, I do not think he has any legs to stand upon. The only point now is that an argument cannot be supplemented and the Deputy President will not allow me to make a second speech if fresh points are narrated by another speaker. His brief has been snatched away and now he cannot pick it up and hand it to his other friends to make a case different from the one that he has been making. That is probably why one set of lawyers was engaged in the Sessions Court and another set in the appellate Court.

**Mr. Amar Nath Dutt:** No, Mr. Yunus conducted the defence in both Courts.

**Mr. K. Ahmed:** Even if that is so, the Sessions Judge, while charging the jury, must have narrated all these points.

**Mr. Amar Nath Dutt:** But there was no juror, it was a trial by assessors.

**Mr. K. Ahmed:** Even so, he will have to note down the material points of fact with which the assessors were charged.

**Mr. A. Hoon** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Assessors are not charged.

**Mr. K. Ahmed:** But the facts of the case are explained to them. And as the Honourable the Mover has not put his case before the House, it is not for this House to enter into grounds other than those on which the motion for adjournment was granted to Mr. Amar Nath Dutt. Therefore, in the absence of those material facts, which are necessary, I am afraid my friend has not much strength in his case and cannot ask us to walk into his lobby to pass a vote of censure against Government.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, I am afraid I cannot agree with the line of reasoning adopted by the two previous speakers on this motion. The motion before the House is not worded in that manner so as to go into the merits of the evidence on which the case was decided. If this House takes it upon itself to constitute itself as a

Court of appeal from the findings of Sessions Judges or High Courts, I am afraid it will be too dangerous a precedent. We are not here to criticise how the mind of a Sessions Judge worked in arriving at a particular finding or how the mind of the High Court Judges worked in confirming the sentence passed by the Sessions Judge. We are here to discuss the matter from a different point of view. The issue before the House, as I understand it, is that the execution of the convicts should be postponed in the light of the confession made by a condemned man after the judgment of the High Court was given. The facts now before the House were certainly not before the Courts of justice, and hence no criticism can be levied on their findings. The position is that a new light has been thrown on the whole case. Is it or is it not the duty of the executive Government to guard itself against doing an injustice and hanging an innocent man? Even if there is a possibility of his being an innocent man, the duty is cast upon the executive Government to look into the affair and see that no injustice is done. We are assured that in the coming constitution there will be a rule of common sense; and if the executive refuses to listen to the prayer for the stay of execution, I understand that there is a lack of common sense in that and that is why they must be censured on this point. What is after all the demand made? The demand is that here are new facts which require investigation and looking into. Are Government prepared to look into these facts or do they refuse to do so? Their refusal to respond to the wishes of the Members of this House goes to prove conclusively the truth of the charge that the Government of India, as at present constituted, are too wooden and too inelastic. We want Government to be elastic; we want Government to be human and considerate. These are qualities which we expect in the Government of India today. If we find that by any action of theirs they refuse to become human, it is the duty of this House to put pressure upon it. We will certainly make every effort to make them human in dealing with human lives. A valuable life which cannot be replaced is going to be sent to the gallows. We want that execution should be postponed for a few days. After all justice will not be deprived of its victim. If it is proved later on that these persons are really guilty, you can hang them. Only a few days of postponement will not do any harm to Government, but will add to the prestige of Government. It is to the interest of the administration itself that such inquiries should be made, and this is why the prerogative of pardon is vested in His Majesty and that prerogative has been handed down to His Excellency the Viceroy under section 401 of the Criminal Procedure Code. It is the exercise of that prerogative which we want to be utilised in saving these lives if they are innocent. With these words, though I differ from the reasons given by the Mover of the motion, I support his conclusions. In my opinion the Mover has rather weakened his case by going into the merits or evidence of the case. The strong point which I want to place before the House is that a few days' postponement will help to establish a confidence in the sense of justice of the Government of India and will not do any harm. I, therefore, support this motion.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhammadan): Sir, I gave notice of a similar motion for adjournment as the case comes from my own province of Bihar and Orissa. I, however, take this opportunity to support this motion which has been moved by my friend on my left. He has recapitulated briefly the history of the case



[Mr. Gaya Prasad Singh.]

and, therefore, it is not necessary for me to cover the same ground over again. I will confine myself only to two outstanding points in the case. One is with regard to the alleged confession of this man, Narsingh Prasad Bhabani, and the second point is the adequacy or inadequacy of the motive which may have led him to commit this crime. With regard to the alleged confession of the man, I would point out to the House the circumstances under which this confession was made. As has been pointed out by the committing Magistrate himself, the allegation is that this confession was made at the instance of certain police officers. In support of this, I will only read out one short sentence from the order of the committing Magistrate. It is this:

"The accused, Narsingh Prasad Bhabani, in addition to his confession which tallies in most material points with the evidence of Badri Ram, prosecution witness No. 11, has made a statement to the effect that several subordinate police officers offered to make him an approver if he would make a full and frank statement of what he knew concerning this case."

So the earliest opportunity which presented itself before this convict was utilised by him by making this statement before the committing Magistrate. I am not here to say whether that confession has been voluntary or it has been extracted under threat or coercion or persuasion. I only make this statement that the circumstances are to some extent suspicious, and an element of doubt is cast upon the genuineness or the voluntary nature of the confession. The second point to which I would refer is the absence of motive—the adequacy or inadequacy of the motive which led this man to commit the crime. The only motive alleged by the prosecution is that he committed the crime in order to get rid of the deceased who was occupying another room adjoining his own in Tata Nagar. This inadequacy of motive was recognised by the committing Magistrate himself. In his order of commitment he observes as follows:

"The only real weakness in the prosecution story appears to be on the question of motive. The only reason given out for this terribly brutal murder is that the accused Narsingh Prasad Bhabani wished to have the whole of the quarter No. 10 at Jamshedpur to himself and that because Nagendra Nath Chakravarty refused to agree to this proposal the accused, who are friends, hacked him to pieces; but at this stage, discussion of the adequacy or inadequacy of this motive is clearly unprofitable."

This absence of motive has also been noticed by the Sessions Judge in his judgment. My friend who moved this adjournment motion has already read out that statement, and so I need not repeat it here. I would only point out that there are some aspects of the case which are of a suspicious character. I am not here to condemn the judgment of the learned Sessions Judge or of the High Court of Patna. They acted in the best light which was then available to them. But a new factor emerged later on after the judgment of the High Court was pronounced, and that new factor consisted in this, that one of the condemned persons has confessed one day before he was going to be hanged that he alone was responsible for the murder and not the two other accused with him. This was made before the Jail Superintendent, and, on that ground, the execution was postponed for a few days. Later on, there was also a Magistrate before whom this statement was made. This clearly throws a new light upon the case, and it is important that the question should be gone into by means of a judicial inquiry. If, after a proper inquiry, it is

found out that the confession of this co-accused exculpating the two other accused is false, justice will take its own course. We are not here to plead that the man should be released, or that his sentence should be commuted. We only plead that the execution should be postponed for a few days pending the result of a judicial inquiry which it is necessary to hold in the case. We are casting no reflection upon any one in particular. The judicial inquiry will be conducted by the machinery provided under the law by the Government themselves. It will be very cruel if, on grounds of prestige or whatever else it may be, the Government refused to accede to this little request from our side and allowed the execution to take place on the 3rd February as originally intended. In these days, when public opinion is gathering in favour of the abolition of capital punishment, it will be inhuman to send a man to the gallows under circumstances of a doubtful character. I need not refer to some cases which have happened in the West as well as elsewhere, where innocent men have actually been condemned and sent to the gallows, and their innocence has been established many years after their execution. The executive Government will be taking a very terrible responsibility on themselves—it may not be a legal responsibility, it may be a moral responsibility, but for that matter the responsibility is all the greater—if they refuse to stay the execution, and stand upon their prestige. I would, therefore, very earnestly beseech the Home Member to cast aside all notions of false prestige, and order the postponement of the execution of these people pending the result of an inquiry which they are themselves competent to hold. I understand that the wife of this condemned man has already sent a memorial to the Government of India and that memorial will furnish, apart from the proceedings of this House, grounds on which suitable action may be taken by the Government themselves. With these words, I support the motion.

**The Honourable Sir Harry Haig** (Home Member): Sir, though in this motion the question of my personal discretion in declining to accept short notice is not in issue, I should like, with your permission, as the matter was referred to this morning, to place the House in possession of the facts, which are indeed necessary for a full understanding of the case. The discretion, Sir, of a Member of the Government in the matter of accepting short notice is one that it is not always easy to exercise, and one cannot expect that the particular mode of exercising it will always commend itself to Honourable Members opposite. I should like, however, to assure the House that it is not a discretion that is exercised lightly or without due attention, and particularly a question which affects a man's life requires and receives special attention.

Now, Sir, I think it will be convenient in the first place to put the House in possession of the sequence of events, for there is, I think, some feeling that this case has been conducted with undue precipitancy. On the 13th of August, the Sessions Judge sentenced the three accused in this case to death, that is, five and a half months ago. On the 20th of September, the High Court upheld the sentences on appeal. The Local Government, about the end of September, rejected the accused's petition for mercy. On the 10th of October, the Governor General in Council rejected the further appeal for mercy which was preferred to them. On the 3rd November, the Local Government reported that the petitioner in this case was arranging to move for special leave to appeal to the Privy

[Sir Harry Haig.] ;

Council, and I should like to make it quite clear, because I fancy, from something that my friend, Mr. Amar Nath Dutt, said, that there is some misunderstanding on this point; the question of leave for appeal to the Privy Council is not one that is decided by a High Court in India; it is one that is decided by the Privy Council itself. In other words, this application for leave to appeal to the Privy Council went Home to the Privy Council and was there rejected by them on the 19th December. Thereafter, the 13th of January was fixed for the execution. By that time, as Honourable Members will understand, all the normal processes and more than the normal processes that succeed a death sentence had been exhausted. The day before the date fixed for execution, one of the condemned prisoners made a statement before the Jail Superintendent who postponed the execution and referred the matter for the orders of the Local Government. The statement was recorded by a Magistrate. Now, Sir, at this stage the telegraphic questions sent in by certain Honourable Members of this House . . . .

**Mr. A. Hoon:** Who was the Jail Superintendent, may I know?

**The Honourable Sir Harry Haig:** I am afraid I cannot tell the Honourable Member.

**Mr. A. Hoon:** Any idea about his status? •

**The Honourable Sir Harry Haig:** I am afraid I do not know. At this stage the telegraphic questions sent in by certain Honourable Members of this House were received. As the House will realise, there was at that time no question before the Government of India. The Government of India, so far as they were concerned, had discharged their duty in October. The matter then rested with the Local Government. They were under no obligation to forward any further petition. No petition was before the Government of India, and, in fact, we have since heard that a petition which was submitted to the Local Government subsequently was, in the normal course, withheld by them. I only mention these facts, Sir, to establish the point that, had the Honourable the President been present in Delhi at the time, I should have suggested to him that this was not a matter that primarily concerned the Governor General in Council and, on that account, the question might be disallowed. However, as the Honourable the President was not present in Delhi, I thought it was simpler to intimate my reluctance to accept short notice, for it seemed to me clear under the circumstances that I have just placed before the House that it was unnecessary to agree to short notice. Now, Sir, I want to make it plain that though that was the technical position, I did not in practice take my stand on that. There was after all the life of a man at stake, and as soon as that telegram was received containing these allegations about the case, I sent a telegram at once the same day to the Government of Bihar and Orissa asking them to report the facts, and they reported the facts, and I have in my possession a copy of the statement, which has been examined by the Government of India. I may say at once that the Local Government held that this statement did not in any way affect the situation, and that is a conclusion in which we have concurred.

Now, Sir, the facts of the case as found by the Courts established a very horrible and treacherous murder. A man was decoyed out. The murderers went out in a taxi to a remote place in the jungles. They there fixed a spot for the murder. It is alleged, it is found by the Courts, that the particular man whose case we are discussing here, went back in the taxi, brought the victim in the taxi to the agreed spot and there he was murdered and decapitated. Well, Sir, those facts are very horrible, and on those facts there was clearly no case for exercising clemency in favour of the petitioner. But it has been said by more than one Honourable Member today, and that is in fact the real ground for this motion, that the statement made by one of the accused on the 12th January established new facts which require to be considered, that that statement exonerated the other accused and established that this man alone was responsible for the murder. Well, Sir, I cannot find anything of that kind in the statement which I have received. It is true that in certain respects the statement is not very clear. There are references to some one, called Babu, which I can only suppose refers to the present petitioner. In fact, it is clear from the petition for mercy that we have since received that it is assumed that this man Babu referred to in the statement was the petitioner. Well, Sir, so far from Must Ali confessing that he alone was responsible for the murder and exonerating the others, he made a statement which, so far as Babu is concerned, tallies very closely with the facts found by the Courts, namely, that he went back in the taxi and returned with the victim and was in fact the man who decoyed this unfortunate man to death. So far as Must Ali himself is concerned, the whole substance of the statement is that he did nothing except that he was present and the two other men were the men who actually committed the murder and beheaded the deceased. On those facts, as I have said, the Local Government concluded that this statement really added nothing new and justified no further enquiry, and the Government of India have come precisely to the same conclusion.

These questions of examining death sentences present problems of difficult judgment. They cause the Government of India anxiety. They are examined with great care. I do not suggest for a moment that it is not within the competence of this House to discuss such matters by question or Resolution, but as far as I can ascertain, this has in the past been done very rarely, and I would appeal to Honourable Members as a general principle to refrain from doing it in the future. An Assembly of this nature is not really in a position to discuss the merits of a case like this and come to a considered opinion. In this case, at any rate, I am quite clear that the action we have taken is right, and I hope that we shall have the support of the House for that view. Indeed, in view of what I have said, and in view of the fact that this motion has, to a large extent, been moved under a misapprehension as to the nature of the statement, I hope that the Honourable the Mover will see his way to withdraw it.

**Sir Abdulla-al-Māmūn Suhrawardy** (Burdwan and Presidency Divisions: Muhammadan Rural): As one of the Honourable Members indirectly responsible for this motion, I take the earliest opportunity after the speech of the Honourable the Home Member to make a few observations. It was farthest from my thought when I gave notice of these questions by cable to the Honourable the President and the Honourable the Home Member to be a party to a motion of censure on the Home Member and little did I imagine and I could hardly foresee that it would subsequently develop

[Sir Abdulla-al-Mámün Suhrawardy.]

into a motion for adjournment of the House. The questions which I had tabled were simply these :

"(1) Are Government aware that in the case of *Emperor versus Narsingh Prasad Bhabani* and two others who were tried in Sessions Case No. 6 of 1932 of Court of Sessions Judge of Manbhum, Sambalpur, on a charge of murder and sentenced to death and whose execution was fixed for thirteenth January last Must Ali Khan, one of the condemned co-accused, made a detailed statement before Magistrate and Jail Superintendent Purulia on twelfth January last confessing his own guilt and affirming the innocence of Narsingh Prasad Bhabani?

(2) Are Government aware that as a result of said statement execution was stayed by Jail authorities pending Local Government orders?

(3) Are Government aware that without any proper enquiry into the matter of said disclosure Government of Bihar and Orissa have ordered execution of all three to take place on Third February next?

(4) Are Government aware that this action of Local Government has aroused considerable public feeling and that a petition has been sent by wife of said Bhabani praying for judicial enquiry and stay of execution pending its result?"

The answer to these questions might have been one simple word : "No", or "Yes". Yet the Honourable the Home Member declined to accept 5 P.M. the short notice questions and give the simple answer. That there has been considerable feeling aroused by this case cannot be doubted now by the Honourable the Home Member. I invite his attention to a leading article in the *Amrita Bazar Patrika*, one of the oldest and most influential Indian dailies, under the heading "Strike, but hear", and that is our position here to-day. We do not say anything as to the merits of the case, but before you strike, hear and give us an opportunity of placing the facts of the case before the House. You have given us no opportunity. I have listened with the utmost attention to the speech of the Honourable the Home Member, who has shown himself to be a cleverer advocate than the Honourable gentleman on the other side of the House who has taken up an honorary brief on behalf of the Government and constituted himself the Public Prosecutor and Government Advocate in the case. The Honourable the Home Member has no doubt given a lucid statement of the case and the sequence of events in order to show that there has not been undue precipitancy. The question is not as regards any undue precipitancy so far as the fixing of the date of execution is concerned prior to the sensational developments which have resulted in the short notice questions being sent to him and my Honourable friend's motion for an adjournment of the House. No doubt, there has been considerable delay, a delay of nearly five months between the 3rd August when the unfortunate prisoners were condemned to death and the 13th January, the original date fixed for execution. These are Law's delays for which we are not responsible. You must go through all the procedure. There must be delay when there is an appeal to the High Court and to the Privy Council. I am glad that the Honourable the Home Member has cleared the point that the leave for appeal to the Privy Council was rejected by the Privy Council itself and not by the High Court of Patna, because it is an open secret that the High Court of Patna does not enjoy the confidence of the public to the same extent as other High Courts, and one would have thought that probably the High Court of Patna, which has been recently subjected to strictures by the Privy Council, have very well thought it prudent to refuse leave for appeal to the Privy Council.

**The Honourable Sir Harry Haig:** May I make the point clear, that legally there is no right in a High Court to refuse leave for appeal to the Privy Council?

**Sir Abdulla-al-Mámūn Suhrawardy:** I know that. I say that I am glad that the Honourable the Home Member has made that point clear, because it was the general impression in the mind of lay members that the Patna High Court, which has been recently subjected to strictures by the Privy Council, may well have thought it prudent to have refused leave for appeal to the Privy Council. After rejection of leave for appeal to the Privy Council, the date of execution was fixed for the 13th January, and then sensational developments followed. There is no doubt now that we are in possession of new facts. The Honourable the Home Member has not yet stated in the course of his speech that a proper judicial enquiry was made, that the Local Government of Bihar and Orissa had done anything in the matter of a proper judicial enquiry in which the accused had opportunities of being represented by lawyers. All that the Honourable Member said was that the Local Government considered the report. I know something more than what has been stated by the Honourable the Home Member to the House. The Honourable the Home Member perhaps knows much more than myself, but has not told us all that he knows. I can enlighten the House to a certain extent as to the sequence of events. On or about the 11th January a wire was received from England to the effect that His Majesty the King Emperor to whom an appeal for mercy was submitted would not exercise his prerogative of mercy as that power had been delegated to the Viceroy. On receipt of that wire, the legal adviser of the accused approached the Private Secretary to His Excellency the Viceroy and urged that although the accused has exhausted all the remedies provided by the Code of Criminal Procedure, as the inherent power of His Majesty the King Emperor has now been delegated to the Viceroy, His Excellency may kindly consider the petition for mercy submitted by the wife of the accused.

**Mr. K. Ahmed:** It has been exhausted already.

**Sir Abdulla-al-Mámūn Suhrawardy:** The legal luminary from Bengal is perfectly right. That remedy was also exhausted, but that was exhausted on or about the 11th January before the confession. Subsequent to the confession, a rumour was heard in Calcutta regarding it. Messrs. Clarke, Rawlins, Ker and Co., a firm of solicitors, who were representing the accused, wired to the Judicial Secretary to the Bihar and Orissa Government asking them as to whether there is any truth in this rumour. After a day or two, a reply was received to the effect that there has been a confession and that they were awaiting reports from the jail authorities and, a few days after, another communication was sent to the same firm to the effect that the Bihar Government or, to quote the actual words, "The Governor in Council", had ordered the execution and fixed the 3rd February as the date. There is no mention in this communication as to whether there was any judicial or proper inquiry at all. We know what the meaning of "Governor in Council" is. As I had mentioned on a previous occasion, what the man on the spot says is repeated by the Governor-in-Council, the Governor-General-in-Council and the Secretary of State for India unless occasionally there are reasons, personal or otherwise, for them to differ from the views of the Local Government. Now, the Honourable

[Sir Abdulla-al-Māmūn Suhrawardy.]

the Home Member has not as yet placed before us the statement containing the confession. Has the Honourable Member any objection, on public grounds or otherwise, to read that statement? He has simply suggested that there is nothing in that statement. I have not seen the statement nor was a copy supplied by the Government. But in the deposition of the jail authorities before the Magistrate who recorded the confession, it is stated that Must Ali Khan admits his guilt and declares that the other two are innocent. I am not quite sure about the actual words, but I am sure that the word "innocence" is there. I do not know whether "Babu" in the confession means Bhabani or some other Babu. But if it means some other Babu, then it strengthens my argument for the postponement of the execution of these people and for holding a judicial inquiry, because, by precipitant and indecent haste in executing these three men on the 3rd February you are destroying the evidence altogether. You are relying on the retracted confession of the accused. What is the value of that confession? Although I agree with my friend, Sardar Sant Singh, that we should not enter into the merits of the case, I must read out a passage from the judgment of the Patna High Court, where the learned Judges even of Patna say:

"Bhabani, before the committing Magistrate, said that on the 11th July when he was examined by the sub-inspectors.....they asked him to make a full confession and said that if he did so, they would treat him as an approver, showing him the rules and pointing out section 337 of the Code of Criminal Procedure. Mr. Ferguson, the Additional Superintendent of Police, says that the Divisional Inspector and the sub-inspector, Bagala Prashad Kabi, suggested that Bhabani should be made an approver, but he rejected the proposal. He says that the Divisional Inspector, when discussing the proposal to tender a pardon, told him that there was an offer by the accused to make a confession."

Now, with the remark that Mr. Ferguson, the Assistant Superintendent of Police, is a European and above suspicion, I leave it to the House to form its own conclusion as to whether the confession was induced or any inducement was held out to the accused by the subordinate police officials. There is the retracted confession of Bhabani and there is the unretracted confession of Must Ali Khan, a Mussalman. There is no suggestion of any friendly relations between Must Ali Khan and the Babu. It might have been between Kasim Khan and the Babu, but not between Must Ali Khan and the Babu. When we have got these facts before us, I do not see any reason why these men should be hustled out of existence by the Bihar and Orissa Government without giving an opportunity to the accused to be legally represented or any opportunity to the public to form an opinion as to whether justice has really been done. You should not merely administer justice. You should administer justice in such a way that the public should feel that justice has been done. There is no wonder that the Government of India has been described as too wooden, too iron, too inelastic, too ante-diluvian to deserve any consideration from anybody and fit only to be ended if not mended. The Government has been more often described as having neither a soul to be damned nor a body to be kicked. I should have thought that Sir Harry Haig, the Honourable the Home Member, with his kindly nature and his genial smile, would have introduced a little humanity into the soulless machine, but, alas, my expectations are doomed to disappointment. As my time is up, I should like to tell the House that I am supporting the motion for adjournment, not as a motion of censure on the Honourable the Home Member, for whom I have

the highest regard and esteem. In supporting this motion, we are only condemning the system which makes it possible for the Home Member or the Government not to give an opportunity to a Member of this House to ask a simple question by way of short notice, because there is no time for us to avail ourselves of the usual ten days' interval. So far as this particular case is concerned, the House certainly realises the urgency of it. There was no other alternative for us but to have this short notice question, because the date of execution has been fixed for the 3rd February. But for the zeal and ingenuity of my friends, Mr. Amar Nath Dutt, and Mr. S. C. Mitra, the House would not have heard anything about the facts of this case, although later on the Mother of Parliaments may have heard something from my friend, Mr. Lansbury or Major Attlee, who would have put questions on this subject and those who are against capital punishment would have made capital out of this case. When my friend, Mr. Gaya Prasad Singh, gave notice of his Bill to do away with capital punishment, I suspected some political motive behind it, but I am, to a certain extent, converted today. There is no political motive in this case. I am not interested in the case politically or from the communal point of view, because the confessing accused is Must Ali, a Mussulman, who will be hanged while the Hindu co-accused will be saved. Nor am I professionally interested in it. Yet I say that a great question of principle is involved and I am half inclined to support my friend when he brings up his Bill for the abolition of capital punishment in the light of these events, if the Government of India will not even ask the Government of Bihar and Orissa to stay the execution.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, in this debate I should like to follow the line of argument of my friend, Sardar Sant Singh. I have carefully gone through these judgments during the recess interval and I can frankly say that, reading those judgments, I was fully convinced that, on the facts as disclosed in the evidence before the Courts, there was no other alternative for any reasonable man but to support the judgment of these Courts. The Judge, in his first preliminary trial, went through all the evidence that was disclosed. The matter was referred to the Sessions Judge who, with the help of four Assessors, came to the same conclusion, and the High Court, not in a summary way, as was said by Mr. K. Ahmed, but in an elaborate judgment, has upheld that conviction. But then I had a chance to read the subsequent disclosures and I say that it will be no reflection on the Courts of trial in Bihar if we still find some reasons, after reading of the disclosures, for asking that there should be a further inquiry. If the Government have made up their mind not to interfere in this matter, I know that no appeal from us will help in any way, but I still hope that the Honourable the Home Member will kindly pay heed to some of our observations and see if he should even now revise his judgment. Sir, I shall not deal with the facts of this case by way of any criticism of the judgment of the Courts, but this is clear that the whole evidence is based mainly on the statement of the taxi-driver. His name is Badri Ram. His statement has been confirmed by the retracted confession of the accused Bhabani and, as has been said by my other friends, the Judges in all the Courts found it difficult to find out any sufficient motive for this crime. Now, if we have to judge from the evidence produced before the Courts, we do not find any reason for this taxi-driver to concoct this whole story, but as has been disclosed by the admission of this condemned man,



[Mr. S. C. Mitra.]

Must Ali Khan, on the 12th January last, he says clearly that it was the taxi-driver himself who was the real culprit who committed the murder, and that, at the instigation of a man, called Pir Muhammad, and with the help of the condemned man, Must Ali himself, the whole thing happened. While this new evidence is disclosed, one can clearly see that it is not unlikely that the taxi-driver could know all these details and it was with a view to saving his neck that he wanted to put the guilt on Bhabani and others. Sir, there are innumerable cases in India where similar confessions were extorted by the police. It is not at all unnatural that Bhabani made a confession at the instance of the police only to save his neck as an approver. I do not say that those facts should be taken for granted as a matter of course. Just now I was going through the confession of this man, Must Ali, made before a Magistrate and the Superintendent of the Jail, one Mr. Abdul Qaiyum. There is no reference in his confession about a Babu, except in one place where it is said that this Babu and Kasim fled towards Kalamati. There is no mention of any other Babu. There are provisions, at least in civil cases, for review petitions if fresh facts are disclosed, and I do not see why Government should shirk a further inquiry, when they could already see their way to wait for these eight or ten months, before executing these two men. Sir, similar cases are known where on such confessions convictions were made, but which had to be reversed. I may cite, as an instance, the case of the attempted wrecking of the train of the Lieutenant-Governor of Bengal. A few railway coolies were transported for life and then, subsequently, after two or three years, on a confession, made by Barindra Nath Ghose, in the famous Alipore Bomb Case, all the so-called confessing convicts had to be released when it was found that confessions were extorted from the unfortunate coolies. Now, because they were sentenced only to transportation for life, they could be released.

The Honourable the Home Member has admitted that in capital sentence cases there is nothing to be lost by being cautious. Government can take any number of lives, but the efforts of all the Governments in the world cannot give back one single life. Sir, the responsibility in this particular case is, a very serious one. I pass no reflection on the judgment of the Courts. I admit that the evidence before the Courts was sufficient for a conviction. But so far as the subsequent developments are concerned, I should say that this man, Must Ali, is in a condemned cell and he has no chance of communicating with his fellow-prisoners. He says that the crime was instigated at the instance of one Pir Muhammad who settled the affair for Rs. 800; Rs. 200 Must Ali received and the rest was divided among others including the driver on whose evidence the whole conviction stands. The Judges argued that this taxi-driver had no motive: he gave all the details of the places where this headless body as well as the head, two or three miles away, were found, and all those things came out in the evidence as disclosed at that time; that this driver had no interest as it appeared to the courts on evidence produced. But by the latest disclosures, it is clear that the taxi-driver is the most interested person; the very fact that the driver knew where the dead body was, and the fact that Must Ali now says that the driver was responsible for the murder are very important. I do not say that this statement by Must Ali should be taken as Gospel truth, but all that we demand is: what is the harm in having a fresh inquiry when these facts are now disclosed? It is quite a

different case from others. There are two other persons, and it explains also how it may be consistent with the innocence of the other two accused and the guilt of the driver, from whose corroborative evidence it was held without doubt at that time that these three men were implicated in the murder. So, in this case, I think we can rightfully appeal to the Home Member that even if he has made up his mind for having this execution carried out, yet he should, before this life is put an end to, order a further inquiry in the light of this confession. I am almost certain that he has not read this confession thoroughly, because there is no mention of this Babu being implicated in any way, in the statement. It was said that so and so fled towards Kalamati and, in this confession, he says clearly that these two people are not really guilty. The condemned man says that he himself is guilty and the taxi-driver,—the crime was committed at the instigation of Pir Muhammad at the dictation of a Sikh. Now, all these things can be inquired into in a week. Nothing will be lost by waiting for a while. You have already waited for eight or ten months and there can be no harm in waiting for another eight or ten days. As my old teacher, Sir Abdullah Suhrawardy said, not only should justice be done, but people should also be convinced that justice has been done; the people should know that justice has been done, I shall close my speech by appealing to the Honourable the Home Member that he might yet see his way to ordering some sort of inquiry before these unfortunate persons are finally forced out of this world.

**Mr. B. Sitaramaraju** (*Ganjam cum Vizagapatam: Non-Muhammadan Rural*): Sir, if I rise to speak, it is because of some remarks that have been made in the course of this debate by the Honourable the Home Member himself. The Honourable the Home Member said that we in this Assembly were not competent to judge matters of this kind and he asked us to refrain from making similar points for debate in this House. Sir, the House as well as the Honourable the Home Member himself would admit that the necessity for this adjournment motion has arisen simply because of his refusal to answer a short notice question, because that was the only other alternative left for the Honourable Members of this House. Honourable Members on this side of the House have repeatedly stated that they do not propose to sit as a court of appeal on matters which were before the High Court. They have also repeatedly stated, before the Honourable the Home Member himself got up in his seat, that they do not propose to go into the merits of the case except with regard to one or two remarks on merits which fell from two Honourable Members. Such being the case, it is very unjust on the part of the Honourable the Home Member to say that we have made the mistake of bringing this matter before this House and that we should not discuss this matter at all. What else was left to Honourable Members on this side except to ask for the adjournment of the House? Certainly this side of the House does not maintain that the judgments of the Courts were wrong. All that they want is whether an inquiry, in the circumstances now available to the public, is advisable or not. Honourable Members from this side of the House have repeatedly appealed to the Honourable the Home Member that there were such circumstances which have come to light in this case which would necessitate a careful reconsideration of the matter before the final step is taken, because when once you take away life it is impossible to restore it. Therefore, if there is any truth in the statement that some of the prisoners are not really guilty, then should not the Government just wait for a few days and make an inquiry, and if they are satisfied after this inquiry, then let the law

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have its usual course. That was all that was wanted from the House and I think a more reasonable proposal could not have been made from this side of the House. Under these circumstances, I think the Honourable the Home Member would consider the matter in the spirit in which Honourable Members have brought this matter and judge whether a case has not been made out for a dispassionate consideration of all the matters and whether time should not be granted before the final step is taken in this matter. This is all that I have to say.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadian Rural): Sir, perhaps the House will permit me to say a few words on this motion in view of the fact that I was one of those Members who had put their signatures to the short notice questions which we had sought to ask this morning in this House. When I, in consultation with my Honourable friend, Sir Abdulla Suhrawardy, agreed to be a party to the notice of the questions, I carefully weighed the constitutional position to which reference was made by the Honourable the Home Member himself. Perhaps the Honourable Member will admit that we on this side are as much aware of the limitations which the constitution places upon the powers of this House as Members on the other side, and so far as I am concerned, the principal circumstance that determined my attitude was that here we have a case which is not covered by authority, it is not covered by the procedure law and it is not covered by any case law either of India or of any other country which we know of. So, if this instance is one which shows that there is a lacuna in the law of criminal procedure, then, certainly, it is this Legislature alone which has got the authority to legislate for the purpose of removing that defect. Apart from the question of legislation to meet such cases in the future, when we found that neither the Code of Criminal Procedure nor any decided case of any Indian High Court or of any other Supreme Court of any other country, whose decisions we had the opportunity of studying, covered this case, we thought that the only place where we could go to for the purpose of raising a discussion was this House. It was with no desire to encroach upon the province of the Legislative Council of Bihar and Orissa or of the Bihar Government that we sought to raise this issue in the form of a few short notice questions. If the Honourable Member would now go through those questions, he would, I daresay, admit that we did not raise the merits of the issue at all in those questions. It is merely a narration of the principal events. We did not commit ourselves to any particular point of view in those questions. All we suggested was that an inquiry should be held. Even that was put in a very indirect manner. We did not make any direct suggestion because that would go against the rules of this House. We wanted to know whether Government were aware of certain facts and certainly it is not open to my Honourable friend now, after having refused to admit those short notice questions, to complain that this House is transgressing the limits of constitutional propriety by raising this discussion.

**The Honourable Sir Harry Haig:** I do not think that I can plead guilty to complaining that this House was transgressing any limits. I chose my language, I think, carefully and said that I did not suggest for a moment that it was not fully within the competence of the House to discuss this matter. I only appealed to them to consider whether it really was convenient in the public interest that matters of this sort should be discussed on their merits in an Assembly of this nature.

**Mr. K. O. Neogy:** I am sorry I misunderstood my Honourable friend, but, whatever his position is, my Honourable friend certainly does not desire that such a discussion should take place in this House. That is the purport of my Honourable friend's statement on this point. And, so far as we are concerned, we want him to tell us as to where are we to go for the purpose of ventilating such issues, supposing they occur in the future. As I said before, here is an instance which shows that perhaps our law of criminal procedure is defective. All that we have from the Honourable Member is that it lies within the discretion of the Executive Government of Bihar and Orissa either to execute the capital sentence or not. That is a very unsatisfactory position so far as this House can judge. Now, Sir, even supposing that the Government of Bihar and Orissa has got the supreme discretion in this matter, then, in so far as the Government of India is charged with the direction, supervision and control of all Local Governments, particularly in regard to the reserved subjects, of which law and order is one, certainly it is not improper on our part to seek to raise such discussions on the floor of this House. I entirely disagree with the Honourable Member's attitude on this question and I daresay I have the bulk of opinion in this House with me when I make that statement.

Now, Sir, I desire to refer to one or two points which were made by the Honourable the Home Member. The Honourable Member said that there was no undue precipitancy in this matter and he gave a few dates to show as to when the first order of conviction was passed and when the High Court had dismissed appeal, and so on, and so forth. But the real point at issue is as to whether there should be a judicial inquiry into the circumstances of the case in view of the startling disclosures made by one of the condemned co-accused not earlier than the 12th January last, just a little more than a fortnight ago. Now, the whole question is whether the Government are proceeding with an undue precipitancy with reference to that date. It is no use referring to all the various dates of the trial. My Honourable friend certainly should not insist upon some people being hanged because so many months have elapsed. What is the use of having an inquiry, he asks. So many months have elapsed. And as some people must be hanged, and as we have got hold of these people, they must be hanged on the 3rd February. That seemed to me to be the gist of his arguments when he gave us all these dates beginning with the first order of conviction.

It is not always that we find inaccuracies creeping into the statements of responsible Members of Government. I was, therefore, very carefully going into the statements made by the accused convict on the 12th January last. The Honourable Member found nothing there which could justify the conclusion that even on that statement Bhabani is exculpated. My Honourable friend stated that even if we took our stand on that statement made by the co-accused on the 12th January, it does not very much improve Bhabani's position. The statement is unfortunately in Urdu, but I had it read by my Honourable friend, Sir Abdulla Suhrawardy, just now. There are only three references to this convict Bhabani, who is referred to here as Babu, and in not one of these places is there any reference to his complicity in the crime. Let us see what the Civil Surgeon of the district who is the *ex-officio* Superintendent of the Jail says on this point. He says:

"I went to the cell with the Jailer, Assistant Jailer and the sub-assistant surgeon and some warders and head warders. Umar Khatab told me that he and the driver had murdered the man and that the accused Bhabani and Kasem had nothing to do with it."

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This is what the Superintendent of the Jail who is the Civil Surgeon of the district says with regard to this matter. Then, he goes on to give the substance of the statement. Again, we have the statement on oath of the Jailor.

"Umar Khatab told the Superintendent that he and the driver had committed the murder and that Kasem Ali and Bhabani were innocent."

**The Honourable Sir Harry Haig:** Has the Honourable Member got the statement made before the Magistrate?

**Mr. K. C. Neogy:** Yes, I have.

**The Honourable Sir Harry Haig:** Is that consistent with the statement which is alleged to have been made before the Superintendent?

**Mr. K. C. Neogy:** All these statements were taken down by the Magistrate and, as I told the House before, I have got the statement in Urdu of this man Umar Khatab alias Must Ali; and, he refers only in three places to this man Bhabani and, in not one of these three places, does he refer to any complicity of this man in the crime. As I am not able to read it in the original I was referring to the statement made by the Superintendent of Jail and other officials who were repeating the substance of the statement made to them by this man. If anything, the statement of the Honourable the Home Member to my mind only strengthens our case for a judicial inquiry. He is certainly proceeding upon instructions which are not quite accurate. We have got copies of the statements made on oath, and I daresay what he is stating cannot by any means be read into the statement of the accused which was made on the 12th January last.

Now, Sir, my Honourable friend seemed also to make a little too much of the fact that the application for special leave had been rejected by the Privy Council. As if anything turned on that! As my Honourable friend, Sir Hari Singh Gour, will be able to bear me out, the Privy Council is always reluctant to interfere with the decisions of the Indian High Courts in criminal matters. Time and again they have said that theirs is not a criminal court of appeal. And that is one of the main arguments in favour of the establishment of a Supreme Court that my friend, Sir Hari Singh Gour, has been putting forward. Now, Sir, I was not quite prepared to find the Honourable the Home Member seeking to make any great point out of the fact that the Privy Council had rejected the application for special leave.

**The Honourable Sir Harry Haig:** I was not making a great point; I was merely correcting a misapprehension on the part of the Honourable Member sitting next to my Honourable friend.

**Mr. K. C. Neogy:** But what difference does it make whether the application for special leave is rejected by the Privy Council or by the High Court of Patna?

**The Honourable Sir Harry Haig:** Because it was endeavoured to import a certain amount of prejudice against the High Court of Patna,—a very unreasonable prejudice, I should say.

**Mr. K. C. Neogy:** It makes little difference when you find that the Privy Council does not go into the merits when rejecting an application of this character for special leave.

Then, Sir, my Honourable friend also seemed to be under a misapprehension when he said that there is no ground for clemency being shown in this case. I am sure he is still obsessed with the petition for mercy that he had to deal with weeks before this disclosure was made. There is no application for mercy from any side of this House. What we want is that instead of depending upon their own supreme judgment, let Government institute an independent judicial inquiry into the facts of the case and let the execution be stayed pending the result of that inquiry. It may not take more than a fortnight; if the Honourable Member were to telegraphically communicate with the Government of Bihar it may be started tomorrow or the day after.

Sir, I do not think I will be justified in taking up any more time of the House. But I am really convinced after having heard the Honourable the Home Member that there is a very strong case for a judicial inquiry, particularly having regard to certain inaccuracies in certain points of his statement and also having regard to the misapprehension . . . . .

**The Honourable Sir Harry Haig:** What inaccuracies?

**Mr. K. C. Neogy:** Inaccuracies with regard to the statement made by the accused on the 12th January and to what extent that incriminated the man Bhabani.

**The Honourable Sir Harry Haig:** The Honourable Member has not pointed out any inaccuracy.

**Mr. K. C. Neogy:** I have, because the Honourable Member stated that even if we took our stand on the statement made on the 12th January by this co-accused, it would not improve the position of Bhabani and that Bhabani had actually decoyed the man who was murdered. There is not one single word to support this in the statement which we have in our hands and which was examined by my Honourable friend, Sir Abdulla Suhrawardy.

**The Honourable Sir Harry Haig:** I said, Sir, that the statement is not clear, but that if we took the man who is sometimes described as the unknown man and sometimes described as Babu as referring to Bhabani, then it did not help him at all; and if we did not, then his name does not appear at all in the statement.

**Mr. K. C. Neogy:** If the statement is not clear, there is all the more reason why there should be a judicial inquiry. Let us take all the references to Babu as meaning this particular man Bhabani. I put it to the Honourable Member to tell this House what these references are. It is a very serious matter and the Honourable Member himself began his speech by stating that as it is a question of life and death of a man, he was not taking his stand upon technicalities, and although he was absolutely convinced that these short notice questions would be ruled out of order, had the President been here, he went out of his way and sent a wire to

[Mr. K. C. Neogy.]

the Bihar Government asking them to furnish him with the facts. Now, having displayed all this interest, may we not expect him to tell this House exactly what statements were made by these accused persons on the 12th January . . . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order; the Honourable Member's time is up.

**Mr. K. C. Neogy:** . . . . which incriminated the man Bhabani.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Mr. Deputy President, I entirely agree with the remarks of the Honourable the Home Member that we should not enter into the merits of the case, but at the same time seeing the serious nature of the case before us and that the lives of two accused persons are hanging in the balance, we should not take this matter very lightly as the Honourable Mr. K. Ahmed would have it. Nor should we be carried away by the picture drawn by the Honourable the Home Member that this case was inquired into by a Magistrate and then by the Sessions Judge and an appeal was preferred to the High Court and also to the Privy Council and when all these judicial Courts have pronounced judgment, there is no case for us to inquire into here. If the matter had stood at that, if all these law tribunals had pronounced judgment and no further facts had been disclosed afterwards, then I would be at one with the Honourable the Home Member that we should not again reopen the whole case here and discuss this matter, when an opinion has been pronounced by the Courts of law after going into all the evidence. But a new circumstance has come in: one of the accused, just as he was about to be hanged, has confessed that some of the accused are innocent and he and some other have committed this offence. There was absolutely no motive: he was to be hanged the very next day and his conscience could not keep him quiet, his conscience would not permit him to hide the real facts and he has made that confession. So a new circumstance, a new set of facts has come to light. I want to ask the Government if it is their case that all the Courts of this land do convict only the offenders and they have not convicted and sentenced innocent persons to be hanged? If that is so, if the pronouncements of these law Courts are sacrosanct and they convict only the guilty persons, then, certainly, there would have been no case for us to interfere here. But every man in the street knows that there have been instances where the Courts have convicted innocent persons, and innocent persons have been hanged on the evidence that was produced before the Courts. The Courts are not to be accused for that. The Courts act upon the evidence that is produced before them at the time. We do not blame the Courts; the Courts do not go out of the way and condemn innocent persons to death; they merely act upon the evidence placed before them; and we know of many instances where innocent persons were hanged while the real person who had committed the offence of murder came out afterwards and have in some case or other declared that he was the real offender. With the little practice that I had before Criminal Courts, I can say that some such cases do arise and they arise now and then. Let us take a case of actual murder; and the actual murderer has been apprehended and there is clear evidence to prove the guilt of the accused. But there will be factions in that village and the witnesses are under the control of one faction and that faction would take

that opportunity to wreak vengeance against its opponents and tell the police that they would produce evidence if they would implicate one or two others also in that murder. The police could not have acted without the help of that evidence which is in the hands of that faction. The police have no other alternative but to take the help of that faction. They have only to include one or two other persons in addition to the real offender. Thus many cases have arisen where innocent persons have also been implicated along with the real accused and all the persons have been sentenced to death on that evidence. The evidence is unimpeachable and is very clear; and, on that evidence, no Court can come to any other conclusion. Many such cases have arisen and cases do arise even today and will arise in future. Here in this case on the evidence—and it might be very good evidence—the persons have been convicted and they are to be hanged in a day or two; we do not want to pronounce any opinion upon the merits of the case; but a circumstance has arisen; one of the accused says that the other two are innocent and he and some other have committed this offence. Why should not the Government now cry halt and take this matter into consideration without delay? It may be that the confession also might be wrong; it may be that it is made for some other purpose. Anyhow it will be too late if the Government reject this request and do not inquire into the case. It is a very clear case for inquiry by the Government and they will do well to enquire into and if it is found that this confession is wrong, then, instead of getting these persons hanged tomorrow or the day after, they could be hanged after a week. The Honourable the Home Member has stated that the judgment was pronounced five or six months ago: they have waited all these months and there is no harm in waiting for about a fortnight more and get the case expeditiously inquired into and the truth arrived at. So there is a clear case for the Government to take this matter in hand and make an inquiry; and since Government do not propose to do it, I support the motion before the House. Even now it is not too late for the Government to take it into consideration.

**Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan):**

Sir, I knew nothing about this case before I came into the House this morning, and when I was told in the first hour what the case was I did not pay much attention to it. Now that some facts have been disclosed by both sides, I feel very strongly that I should make some observations in this matter. It appears to me that it is a very grave matter, and a great question of principle is involved in this case. There is no doubt that this Must Ali has made some statements to the Jailor as well as to the Magistrate in circumstances which cannot be said to have been aroused by sinister motives. It appears that he was in the custody of the Jailor. Nobody could approach him there, and the Jailor, so far as I have been able to gather from what Mr. Neogy just now told us, has made it clear as to what his impression was when he heard the statement of Must Ali. I submit that when a case of that nature arises, we have to consider whether justice was properly meted out or not, whether the evidence recorded by the police should be believed or the evidence which is now coming out should be considered in the light of the facts that have now emerged. I think there is no provision in the Criminal Procedure Code to open a case of this nature, but then it is this defect, as pointed out by my friend, Mr. Neogy, that we have to rectify and this is a fit case to be judged for that purpose . . . .



**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): May I interrupt the Honourable Member for a minute? There is provision in section 401, Code of Criminal Procedure, for the Governor General under which he can send the case back to the confirming High Court or the convicting Court for its opinion.

\* **Maulvi Muhammad Shafee Daoodi**: I am very sorry. I did not know of it. If there is such a provision, then there is the least difficulty in applying the principle of equity in a matter of this kind. The Honourable the Home Member has not told us as to why Must Ali should not be believed. His confession cannot be taken by itself; his confession will have to be corroborated by evidence on the spot. I have seen now the confession itself—it is in my hands—it is a long confession. It narrates the story from beginning to end. In many relevant particulars it will have to be corroborated by facts on the spot. All confessions are tested in this way, and this confession too will have to be tested in this manner. There can be no difficulty in opening the case again if there is provision for it in the Criminal Procedure Code. I do not think it is right to hold that in a matter like this no notice should be taken of new facts which have come before us.

**The Honourable Sir Harry Haig**: I must make it plain that in our view there was no new case which required to be considered. If there was any doubt in the mind of the Bihar and Orissa Government or of the Government of India, we should take further action, but in our opinion there is no doubt that these accused have been properly and rightly convicted and deserve to be executed.

**Maulvi Muhammad Shafee Daoodi**: On that point, my experience is that in these days justice is meted out in a manner which does not satisfy the conscience of the public. I do not feel that these Courts do real justice. They only record the evidence produced before them. They may believe in their heart of hearts that they should not convict the accused in a certain case, but the evidence is such that the Judges are compelled to proceed on that basis. That has been my experience of 20 years in my practice at the bar. I do not believe that the procedure which we have enacted is sufficient, nor do I think that we have gone into this case in a manner which used to be done previously. In olden days when a Judge found that the evidence in a particular case did not satisfy his conscience, he would not hesitate to go against the procedure laid down for him but would endeavour to find out the real truth himself . . . . .

**Mr. G. Morgan** (Bengal: European): Lawyers.

**Maulvi Muhammad Shafee Daoodi**: Lawyers cannot object to a thing like this; when they find that the confession has been corroborated by facts on the spot, no lawyer can object to upsetting a judgment of that kind. I do not think that in a matter like this the Honourable the Home Member should adopt the attitude he has. I feel very strongly that this is a fit case which should be considered in the light of the new facts which have emerged.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The House now stands adjourned till tomorrow at Eleven O'clock.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 2nd February, 1938.

# LEGISLATIVE ASSEMBLY.

*Thursday, 2nd February, 1933.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

## QUESTIONS AND ANSWERS.

### DISCONTENT AMONG THE C CLASS GUARDS OF THE JUBBULPORE DIVISION OF THE GREAT INDIAN PENINSULA RAILWAY.

46. \*Mr. M. Maswood Ahmad: (a) Are Government aware of the discontent prevailing among the C class guards of the Jubbulpore Division of the Great Indian Peninsula Railway?

(b) Is it a fact that as per departmental rules they should be utilized to work in branch lines only, while in this division they are required to work on the main line?

(c) Is it also a fact that junior guards in other divisions have superseded them?

(d) What objection have Government in transferring these men to those divisions?

(e) Have Government received any representation from them? If so, what is the result?

Mr. P. R. Rau: (a) to (d). Government have no information but I am sending a copy of the question to the Agent, Great Indian Peninsula Railway, for any action that may be necessary.

(e) No representations have been received by Government.

### REPRESENTATION IN THE CENTRAL LEGISLATURE IN THE NEW CONSTITUTION OF THE MEMBERS OF THE LATE ROYAL FAMILY OF DELHI.

47. \*Mr. M. Maswood Ahmad: (a) Are Government aware that some agitation is being made in the press these days for the representation of the members of the late Delhi royal family in the Central Legislature in the new constitution and also that a memorial to His Majesty King George V was recently submitted through the Collector, Benares?

(b) Will Government please state the number of the members of the Delhi royal family in this country and also the districts in which they live?

(c) What are their political rights and privileges in the various districts?

(d) Have Government made any arrangement in the several districts for their education and employment?



(e) Have they ever been represented by a nominated or elected representative in the Legislative Assembly?

(f) Will Government please state their demands as put forward in their memorial and also what steps Government contemplate taking thereon?

(g) Have Government made any attempt to find out their demands from their duly elected representative, Khan Bahadur Nawab Hamid Hussain Khan, through whom the princes of the late Delhi royal family in their memorial desired to present their case?

(h) If not, do Government intend to do so now?

(i) Have the Delhi Taimuria Associations and Anjuman Khandan-i-Jahandad Shah, Benares, forwarded any resolutions to the Government of India?

(j) If so, will Government please state the resolutions and the action they intend to take in that connection?

**Mr. H. A. F. Metcalfe:** (a) No.

(b) The exact number of the members of the Delhi Ex-Royal family is not known. The main centres where the families reside are:

Delhi, Benares and Lucknow; members of the family are also to be found in Karachi, Multan, Lahore, Amritsar, Etah, Rangoon, Jaipur, Cawnpore, Rampur and Surat.

(c) The members of the family do not enjoy any special rights or privileges, except that some are in receipt of hereditary pensions and life grants.

(d) Special arrangements exist for the grant of educational scholarships to the children of the families at Delhi and Benares. Applications for employment receive sympathetic consideration.

(e) No.

(f), (g) and (h). Do not arise

(i) No.

(j) Does not arise.

#### PROHIBITION OF THE USE OF KHADDAR AT QUETTA.

48. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that people in Quetta are not allowed to wear clothes and caps according to their wishes?

(b) Is it a fact that people in Quetta have been prohibited by Government authorities to use *khaddar*?

**Mr. H. A. F. Metcalfe:** (a) and (b) The reply is in the negative.

#### RELIEF TO THE AGRICULTURAL COMMUNITIES IN DISTRESS IN JAPAN ON ACCOUNT OF THE WORLD-WIDE DEPRESSION.

49. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that a plan prepared by experts was submitted by the Japanese Government to the Diet for acceptance at its Special Session which lasted till the first week

of September, 1932, to give the necessary relief to the agricultural communities in distress on account of the world-wide depression?

(b) Are they aware that the plan includes—

- (1) postponement of the repayment of loans made to the farmers by the Postal Deposit which are due redemption in the coming three years and amount to over 6-50 lakh yens; and
- (2) the controlling of the prices of rice for which the fund at the disposal of Government has been raised from 315 million yens to 400 million yens?

(c) Are Government also aware of the Russian ten-year plan for improving the trade and agriculture of their Empire?

(d) If the reply to parts (a) to (c) above be in the affirmative, do Government propose to appoint a joint committee of experts and Members of the Legislative Assembly to prepare a comprehensive plan to improve the condition of agriculture and agricultural communities?

(e) If the reply to parts (a) to (c) be in the negative, do they propose to make inquiries from their representative in Japan about the plan? If not, why not?

**Mr. G. S. Bajpai:** (a) and (b). Government have seen newspaper articles to this effect,

(c) Yes.

(d) No. The subject is primarily the concern of Provincial Governments who are already alive to the desirability of relieving agricultural distress.

(e) Does not arise.

**Dr. Ziauddin Ahmad:** May I just know what was the reply to part (b) (2)?

**Mr. G. S. Bajpai:** I have said, Sir, that Government have seen articles to this effect in the Press.

#### CARRYING OUT OF EXTENSIVE PUBLIC WORKS WITH A VIEW TO SOLVING THE UNEMPLOYMENT PROBLEM IN JAPAN.

50. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that a plan prepared by experts was submitted by the Japanese Government to the Diet for acceptance at its Special Session which lasted till the first week of September, 1932, to carry out extensive public works with a view to solving the unemployment problem there?

(b) If the reply be in the affirmative, do Government propose to appoint a joint committee of experts and Members of the Legislative Assembly to prepare a comprehensive plan to solve the unemployment problem of this country?

(c) If the reply be in the negative, do they propose to make inquiries from their representative in Japan about the plan? If not, why not?

**The Honourable Sir Frank Noyce:** (a) Yes.

(b) The question is primarily one which concerns Local Government and, as the Honourable Member may be aware, some of them have devoted considerable attention to it in recent years.

(c) Does not arise.

**Mr. N. M. Joshi:** Are Government aware that the Royal Commission on Indian Labour has made certain recommendations on this subject, & may I know what the Government propose to do?

**The Honourable Sir Frank Noyce:** I am aware of that. Those recommendations are under consideration.

**DEVELOPMENT OF COMMERCIAL CONCERNS IN JAPAN IN ORDER TO COMBAT THE PRESENT DISTRESS ON ACCOUNT OF WORLD-WIDE DEPRESSION.**

51. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that a plan prepared by experts was submitted by the Japanese Government to the Diet for acceptance at its Special Session which lasted till the first week of September, 1932, in connection with the commercial concerns in order to combat the present distress on account of world-wide depression?

(b) If the reply be in the affirmative, do Government propose to set up a joint committee of experts and Members of the Legislative Assembly to prepare a comprehensive scheme in this connection in order to ease the present distress?

(c) If the reply be in the negative, do they propose to make inquiries from their representative in Japan about the plan? If not, why not?

**The Honourable Sir Joseph Bhoré:** (a) The Government of India have seen Press reports on the subject.

(b) No.

(c) Does not arise.

**SCHEMES FOR IMPROVING THE CONDITION OF VILLAGERS IN JAPAN.**

52. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that a plan prepared by experts was submitted by the Japanese Government to the Diet for acceptance at its Special Session which lasted till the first week of September, 1932, in connection with schemes for increased subsidy, education, encouragement of emigration, medical relief for sick in financial difficulties and the feeding of underfed children in order to improve the condition of villagers in Japan?

(b) If the reply be in the affirmative, do Government propose to set up a joint committee of experts and Members of the Legislative Assembly to prepare a comprehensive scheme in these matters in order to ease the present distress?

(c) If the reply be in the negative, do they propose to make inquiries from their representative in Japan about the plan? If not, why not?

**Mr. G. S. Bajpai:** (a), (b) and (c). An article on this subject appeared in the Indo-Japanese Trade Bulletin for November, 1932, and Government have seen it. They do not propose to take action on the lines suggested by the Honourable Member as education, medical relief and the care

children are matters which are primarily the concern of Local Governments. Emigration is a central subject but the encouragement of emigration in these days of depression is not practicable.

**Dr. Ziauddin Ahmad:** Will Government be pleased to send copies of these questions to Local Governments for their consideration?

**Mr. G. S. Bajpai:** I presume that Local Governments have also seen these newspaper articles. I do not think that it is necessary for the Government of India to transmit them to Local Governments.

PLAN FOR HELPING AGRICULTURAL COMMUNITIES AND FOR REDUCING UNEMPLOYMENT IN JAPAN.

53. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that the Japanese Government have practically accepted the plan prepared by experts for helping agricultural communities and for reducing the unemployment by making funds available for the public and for the agricultural communities at low rates of interest?

(b) Are Government aware that the Diet has practically sanctioned the Finance Minister Mr. Takahashi's demand for a total expenditure of 1,650,000,000 yens for the relief measures?

(c) Are Government aware that in the Japanese Government plan for 1932-33 an expenditure of 159·525 million yens has been sanctioned out of which about 60 million yens have been sanctioned for agriculture and irrigation and about 40 million yens have been sanctioned for village road improvement?

(d) If the reply to parts (a) to (c) be in the affirmative, do Government propose to appoint a joint committee of experts and Members of the Legislative Assembly to prepare a comprehensive plan to improve the condition of agriculture and agricultural communities?

(e) If the reply to parts (a) to (c) be in the negative, do they propose to make inquiries from their representative in Japan about the plan? If not, why not?

**Mr. G. S. Bajpai:** (a), (b) and (c). It appears from an article which has come to the notice of Government that the Honourable Member's statements are substantially correct.

(d) No. As stated by me in answer to question No. 49 the subject is primarily the concern of Provincial Governments.

(e) Does not arise.

**Mr. M. Maswood Ahmad:** Have the Government of India any difficulty in sending these questions to Local Governments?

**Mr. G. S. Bajpai:** It is not a question of difficulty. It is a question as to whether any necessity has arisen for taking this extraordinary action.

**Dr. Ziauddin Ahmad:** May I ask whether Government had read these articles before the questions were asked?

**Mr. G. S. Bajpai:** I confess that until my attention was drawn to these articles by my Honourable friend's questions, I had not read them.

**Dr. Ziauddin Ahmad:** Will not the Local Governments be in the same position?

**Mr. G. S. Bajpai:** Well, I hope that Local Governments will be stimulated by the publicity given to these questions and answers to read these newspaper articles.

**Mr. M. Maswood Ahmad:** I request the Honourable Member in charge to send these questions at least to the Government of Bihar and Orissa.

**APPOINTMENT OF A MUSLIM SUPERINTENDENT OF POST OFFICES AS ASSISTANT POSTMASTER GENERAL.**

**54. \*Mr. M. Maswood Ahmad:** (a) Is it a fact that the Postmaster General, Central Circle, his Deputy, and Assistants are all Hindus?

(b) Is it a fact that the Director General of Posts and Telegraphs has fixed the tenure of the appointments of Assistant Postmasters General at five years?

(c) How long have Messrs. J. N. Dar and S. W. Movlankar held the appointments as Assistant Postmasters General in the Central Circle?

(d) Is it a fact that most other Superintendents have been transferred from their Divisions where the tenure has been fixed at three years only? If so, why have Government not enforced the ruling in the case of these officers? Have Government considered the desirability of the immediate transfer of these officers?

(e) With reference to part (a) above are Government prepared also to consider the question of posting a Muslim Superintendent as an Assistant Postmaster General forthwith?

**Sir Thomas Ryan:** (a) Yes.

(b) The ruling to which the Honourable Member refers here and in part (d) of his question is that ordinarily a Superintendent should not remain in charge of the same Division for more than three years at a time, and that an Assistant Postmaster General should not occupy that post for more than five years at a time.

(c) Mr. J. N. Dar has been holding the post of Assistant Postmaster General from the 16th April, 1929, and Mr. Mavlankar held it from the 11th August, 1926, to the 18th May, 1932.

(d) The reply to the first part is in the affirmative. The other parts of the question do not arise in view of the reply to parts (b) and (c).

(e) No, since, as has been frequently stated, such postings are not made solely on communal considerations.

**GENEOLOGICAL TABLE OF THE DELHI ROYAL FAMILY PREPARED BY THE CHIEF COMMISSIONER OF DELHI.**

**55. \*Mr. M. Maswood Ahmad:** (a) Is it a fact that the Chief Commissioner of Delhi has prepared a geneological table of the Delhi royal family?

(b) Will Government be pleased to lay on the table a copy of the same?

**Mr. H. A. F. Metcalfe:** With your permission, Sir, I propose to answer questions Nos. 55 and 56 together. The information is being collected and will be laid on the table in due course.

**Dr. Ziauddin Ahmad:** With reference to question No. 55, is it a fact that the Chief Commissioner of Delhi has prepared a geneological table of the Delhi royal family?

**Mr. H. A. F. Metcalfe:** Information has not yet been obtained from the Chief Commissioner as to whether he has or has not taken such action.

**Mr. M. Maswood Ahmad:** Is it a fact that Government received this question a month ago?

**Mr. H. A. F. Metcalfe:** I am not exactly aware of the date on which it reached my Department, but efforts are being made to collect the information with as little delay as possible.

#### PENSION PAID TO THE DELHI ROYAL FAMILY.

†56. **\*Mr. M. Maswood Ahmad:** (a) What amount has been paid in the last provincial year to the Delhi royal family as political pensions?

(b) What amount has been paid in the last provincial year to the Delhi royal family as charitable pension?

(c) Will Government be pleased to state whether the amounts were paid from the central or provincial funds?

(d) From what heads were these pensions and charitable allowances paid?

(e) Is it a fact that political pension is paid to one family of the Delhi royal family, *i.e.*, Mirza Elahi Bux's family only?

#### RESOLUTIONS PASSED BY THE MEMBERS OF THE DELHI ROYAL FAMILY.

57. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that the members of the Delhi royal family passed resolutions at a meeting held under the presidentship of Prince Mirza Abdul Rehman on the 30th November, 1932?

(b) Have Government received any copy of the resolutions passed at that meeting?

(c) Are Government aware that there is a great resentment amongst the members of the Delhi royal family in regard to the words 'charitable allowance'?

(d) Do Government propose to substitute some other suitable words for the words 'charitable allowance'?

**Mr. H. A. F. Metcalfe:** (a), (b) and (c). No.

(d) Does not arise.

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†For answer to the question, see answer to question No. 55.



**POPULATION AND PERCENTAGE OF MUSLIMS IN THE AREA SERVED BY THE  
NORTH WESTERN RAILWAY.**

58. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the North Western Railway serves an area which is overwhelmingly Muslim?

(b) Will Government be pleased to state the population and percentage of Muslims in the area served by the North Western Railway?

**Mr. P. R. Rau:** (a) and (b)• I am not quite sure what exactly my Honourable friend means by "the area served by the North Western Railway". If he refers to the British Indian provinces of the Punjab, the North-West Frontier Province, Baluchistan and Sind, through which this railway runs, the figures, according to the last census returns, are as follows:

|                       | Muslim population. | Percentage of total population. |
|-----------------------|--------------------|---------------------------------|
| Baluchistan . . . . . | 405,309            | 87·44                           |
| Sind . . . . .        | 2,830,800          | 72·83                           |
| N.-W. F. P. . . . .   | 2,227,303          | 91·9                            |
| Punjab . . . . .      | 13,332,460         | 56·54                           |

**MUSLIM SUBORDINATE STAFF, EXCLUDING ACCOUNTS OFFICES, ON THE NORTH  
WESTERN RAILWAY.**

†59. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total subordinate staff, excluding those in accounts offices, employed on the North Western Railway on the 31st March, 1931, was 19,617?

(b) Is it a fact that their communal composition on the 31st March, 1931, was:

Hindus 11,294 in number, 57·57 per cent.

Muslims 4,900 in number, 24·98 per cent.

Europeans *cum* Anglo-Indians 1,605 in number, 8·18 per cent.

Indian Christians 159 in number, ·81 per cent.

Others 1,659 in number, 8·46 per cent.?

(c) Will Government be pleased to state the communal composition of the subordinate staff, excluding those in accounts offices, on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in services on North Western Railway?

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†For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE CLERICAL POSTS, EXCLUDING ACCOUNTS OFFICES, ON THE NORTH WESTERN RAILWAY.**

†60. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total clerical posts, excluding those in accounts offices, on the North Western Railway on the 31st March, 1931, were 4,645?

(b) Is it a fact that the communal composition of the staff in total clerical posts on the North Western Railway on the 31st March, 1931, was:

Hindus 2,957 in number, 63.66 per cent.

Muslims 1,280 in number, 27.56 per cent.

Europeans *cum* Anglo-Indians 50 in number, 1.08 per cent.

Indian Christians 33 in number, .71 per cent.

Others 325 in number, 6.99 per cent.?

(c) Will Government be pleased to state the communal composition of the staff in the total clerical posts, excluding those in accounts offices, on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE CLERICAL POSTS, EXCLUDING ACCOUNTS OFFICES, ON THE NORTH WESTERN RAILWAY.**

†61. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total clerical posts on a scale of pay Rs. 150 or more, excluding those in accounts offices, on the North Western Railway on the 31st March, 1931, were 40?

(b) Is it a fact that the communal composition of the staff in the total clerical posts, excluding those in accounts offices, on a minimum pay of Rs. 150 on the North Western Railway on the 31st March, 1931, was:

Hindus 254 in number, 63.34 per cent.

Muslims 84 in number, 20.95 per cent.

Europeans *cum* Anglo-Indians 25 in number, 6.23 per cent.

Christians 5 in number, 1.25 per cent.

Others 33 in number, 8.23 per cent.?

(c) Will Government be pleased to state the communal composition of the staff in the total clerical posts, excluding those in accounts offices, on a scale of pay from Rs. 150 on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose that Muslims may get their due share in services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRAFFIC DEPARTMENT (TRANSPORTATION) OF THE NORTH WESTERN RAILWAY.**

†62. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Traffic Department (Transportation) staff employed on the North Western Railway on the 31st March, 1931, was 6,448 posts?

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†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the total Traffic Department (Transportation) staff on the North Western Railway on the 31st March, 1931, was:

- . Hindus 4,014 in number, 62.25 per cent.
- Muslims 1,394 in number, 21.62 per cent.
- Europeans *cum* Anglo-Indians 422 in number, 6.54 per cent.
- Indian Christians 49 in number, .76 per cent.
- Others 569 in number, 8.83 per cent.?

(c) Will Government be pleased to state the communal composition of the total Traffic Department (Transportation) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose that Muslims may get their due share in services mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE TRAFFIC DEPARTMENT (TRANSPORTATION) OF THE NORTH-WESTERN RAILWAY.

†63. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Traffic Department (Transportation) staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 329?

(b) Is it a fact that the communal composition of the total Traffic Department (Transportation) staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

- Hindus 64 in number, 19.45 per cent.
- Muslims 20 in number, 6.08 per cent.
- Europeans *cum* Anglo-Indians 209 in number, 63.53 per cent.
- Indian Christians 8 in number, 2.43 per cent.
- Others 28 in number, 8.51 per cent.?

(c) Will Government be pleased to state the communal composition of the total Traffic Department (Transportation) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE COMMERCIAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

†64. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Commercial Department staff employed on the North Western Railway on the 31st March, 1931, was 4,978?

(b) Is it a fact that the communal composition of the staff in the Commercial Department on the North Western Railway on the 31st March, 1931, was:

- Hindus 3,280 in number, 65.89 per cent.
- Muslims 1,114 in number, 22.38 per cent.
- Europeans *cum* Anglo-Indians 97 in number, 1.95 per cent.
- Indian Christians 41 in number, .82 per cent.
- Others 446 in number, 8.96 per cent.?

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†For answer to this question, see answer to question No. 20.

(c) Will Government be pleased to state the communal composition of the staff in the Commercial Department on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE COMMERCIAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.**

†65. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Commercial Department staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 74?

(b) Is it a fact that the communal composition of the staff in the Commercial Department on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus 32 in number, 43.24 per cent.

Muslims 15 in number, 20.27 per cent.

Europeans *cum* Anglo-Indians, 18 in number, 24.33 per cent.

Indian Christians, 1 in number, 1.35 per cent.

Others 8 in number, 10.81 per cent.?

(c) Will Government be pleased to state the communal composition of the staff in the Commercial Department on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT (POWER) OF THE NORTH WESTERN RAILWAY.**

†66. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Transportation (Power) staff employed on the North Western Railway on the 31st March, 1931, was 1,353?

(b) Is it a fact that the communal composition of the staff in the Transportation (Power) on the North Western Railway on the 31st March, 1931, was:

Hindus 218 in number, 16.11 per cent.

Muslims 577 in number, 42.65 per cent.

Europeans *cum* Anglo-Indians, 476 in number, 35.18 per cent.

Indian Christians, 11 in number, .81 per cent.

Others 71 in number, 5.25 per cent.?

(c) Is it a fact that Muslims in the department mentioned in (a) are mostly in lower grades?

(d) Will Government be pleased to state the communal composition of the total Transportation (Power) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(e) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

†For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT (POWER) OF THE NORTH WESTERN RAILWAY.**

†67. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Transportation (Power) staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 86?

(b) Is it a fact that the communal composition of the total Transportation (Power) staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus, 7 in number, 8.14 per cent.

Muslims, 8 in number, 9.3 per cent.

Europeans *cum* Anglo-Indians, 68 in number, 79.07 per cent.

Others 3 in number, 3.49 per cent.?

(c) Will Government be pleased to state the communal composition of the total Transportation (Power) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**MUSLIM CIVIL ENGINEERING (WAY AND WORKS) STAFF ON THE NORTH WESTERN RAILWAY.**

†68. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Civil Engineering (Way and Works) staff employed on the North Western Railway on the 31st March, 1931, was 822?

(b) Is it a fact that the communal composition of the total Civil Engineering (Way and Works) staff on the North Western Railway on the 31st March, 1931, was:

Hindus, 372 in number, 45.26 per cent.

Muslims, 247 in number, 30.05 per cent.

Europeans *cum* Anglo-Indians, 98 in number, 11.92 per cent.

Indian Christians, 5 in number, .61 per cent.

Others 100 in number, 12.16 per cent.?

(c) Will Government be pleased to state the communal composition of the total Civil Engineering (Way and Works) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**MUSLIM CIVIL ENGINEERING (WAY AND WORKS) STAFF ON THE NORTH WESTERN RAILWAY.**

†69. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Civil Engineering (Way and Works) staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 324?

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†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the total Civil Engineering (Way and Works) staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus, 130 in number, 40.12 per cent.

Muslims, 83 in number, 25.62 per cent.

Europeans *cum* Anglo-Indians, 76 in number, 23.45 per cent.

Indian Christians, 3 in number, .93 per cent.

Others, 32 in number, 9.88 per cent.?

(c) Will Government be pleased to state the communal composition of the total Civil Engineering (Way and Works) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE MECHANICAL ENGINEERING WORKSHOPS ON THE NORTH WESTERN RAILWAY.

†70. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Mechanical Engineering Workshops staff employed on the North Western Railway on the 31st March, 1931, was 490 posts?

(b) Is it a fact that the communal composition of the total Mechanical Engineering Workshops staff on the North Western Railway on the 31st March, 1931, was:-

Hindus, 39 in number, 7.96 per cent.

Muslims, 74 in number, 15.1 per cent.

Europeans *cum* Anglo-Indians, 323 in number, 65.92 per cent.

Indian Christians, 11 in number, 2.24 per cent.

Others, 43 in number, 8.78 per cent.?

(c) Will Government be pleased to state the communal composition of the total Mechanical Engineering Workshops staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE MECHANICAL ENGINEERING WORKSHOPS ON THE NORTH WESTERN RAILWAY.

†71. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Mechanical Engineering Workshops staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 406?

(b) Is it a fact that the communal composition of the total Mechanical Engineering Workshops staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus 26 in number, 6.41 per cent.

Muslims 32 in number, 7.88 per cent.

Europeans *cum* Anglo-Indians 313 in number, 77.09 per cent.

Indian Christians 9 in number, 2.22 per cent.

Others 26 in number, 6.40 per cent.?

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†For answer to this question, see answer to question No. 20.

(c) Will Government be pleased to state the communal composition of the total Mechanical Engineering Workshops staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT (CARRIAGE)  
OF THE NORTH WESTERN RAILWAY.**

†72. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Transportation (Carriage) staff employed on the North Western Railway on the 31st March, 1931, was 422?

(b) Is it a fact that the communal composition of the total Transportation (Carriage) staff on the North Western Railway on the 31st March, 1931, was:

Hindus 198 in number, 46·92 per cent.

Muslims 92 in number, 21·8 per cent.

Europeans *cum* Anglo-Indians 59 in number, 13·98 per cent.

Indian Christians 3 in number, ·71 per cent.

Others 70 in number, 16·59 per cent.?

(c) Will Government be pleased to state the communal composition of the total Transportation (Carriage) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT (CARRIAGE)  
OF THE NORTH WESTERN RAILWAY.**

†73. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Transportation (Carriage) staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 84?

(b) Is it a fact that the communal composition of the total Transportation (Carriage) staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus 19 in number, 22·62 per cent.

Muslims 7 in number, 8·33 per cent.

Europeans *cum* Anglo-Indians 43 in number, 51·19 per cent.

Indian Christians 1 in number, 1·19 per cent.

Others 14 in number, 16·67 per cent.?

(c) Will Government be pleased to state the communal composition of the total Transportation (Carriage) staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

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†For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE STORES DEPARTMENT OF THE NORTH WESTERN RAILWAY.**

†74. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Stores Department staff employed on the North Western Railway on the 31st March, 1931, was 146?

(b) Is it a fact that the communal composition of the total Stores Department staff on the North Western Railway on the 31st March, 1931, was:

Hindus 72 in number, 49.32 per cent.

Muslims 37 in number, 25.34 per cent.

Europeans *cum* Anglo-Indians 20 in number, 13.69 per cent.

Indian Christians 1 in number, .69 per cent.

Others 16 in number, 10.96 per cent.?

(c) Will Government be pleased to state the communal composition of the total Stores Department staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE STORES DEPARTMENT OF THE NORTH WESTERN RAILWAY.**

†75. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Stores Department staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 62?

(b) Is it a fact that the communal composition of the total Store Department staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was:

Hindus 28 in number, 45.17 per cent.

Muslims 12 in number, 19.35 per cent.

Europeans *cum* Anglo-Indians 14 in number, 22.59 per cent.

Indian Christian *nil*, *nil*.

Others 8 in number, 12.89 per cent.?

(c) Will Government be pleased to state the communal composition of the total Stores Department staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.**

†76. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Medical Department staff employed on the North Western Railway on the 31st March, 1931, was 225?

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†For answer to this question, see answer to question No. 20.



(b) Is it a fact that the communal composition of the total Medical Department staff on the North Western Railway on the 31st March, 1931, was :

Hindus 124 in number, 55.11 per cent.

Muslims 54 in number, 24.00 per cent.

Europeans *cum* Anglo-Indians 30 in number, 13.33 per cent.

Indian Christians 4 in number, 1.78 per cent.

Others 13 in number, 5.78 per cent.?

(c) Will Government be pleased to state the communal composition of the total Medical Department staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE NORTH WESTERN RAILWAY.

†77. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Medical Department staff on a scale of pay Rs. 150 or more employed on the North Western Railway on the 31st March, 1931, was 21?

(b) Is it a fact that the communal composition of the total Medical Department staff on a minimum pay of Rs. 150 or more on the North Western Railway on the 31st March, 1931, was :

Hindus 3 in number, 14.29 per cent.

Muslims *nil*, *nil*.

Europeans *cum* Anglo-Indians 16 in number, 76.19 per cent.

Indian Christians 2 in number, 9.52 per cent.?

(c) Will Government be pleased to state the communal composition of the total Medical Department staff on the North Western Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take that Muslims may get their due share in posts mentioned in part (a)?

#### ARRANGEMENTS FOR LIGHTS IN THE COMPARTMENTS OF THE BROACH JAMBUSAR RAILWAY.

78. \*Mr. M. Maswood Ahmad (on behalf of Nawab Naharsingji Ishwarsingji): Are Government aware of the incomplete and unsatisfactory arrangements for lights in the compartments of the Broach Jambusar Railway (Bombay, Baroda and Central India Railway) and that no sooner does a train leave the yards of the Samni Station (a junction in the line) than the lights are extinguished?

Mr. P. R. Rau: Government have no information on the subject. I am, however, arranging to bring the matter to the notice of the Agent, Bombay, Baroda and Central India Railway, for such action as he may consider necessary.

**HARDSHIPS FELT BY PASSENGERS VISITING THE FAIR AT AJMER IN 1931.**

**79. \*Nawab Naharsingji Ishwarsingji:** Are Government aware that a great number of passengers who visited the fair at Ajmer in 1931 could not get tickets for twenty-four hours and had to wait at the station and undergo great inconvenience? If so, what action do Government propose to take to remove the hardships felt by passengers?

**Mr. P. R. Rau:** Government are not aware of the inconvenience complained of, but will send a copy of the question to the Agent, Bombay, Baroda and Central India Railway, for such action as he may consider necessary.

**INTERMEDIATE CLASS COMPARTMENTS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

**80. \*Nawab Naharsingji Ishwarsingji:** Are Government aware that on the main line of the Bombay, Baroda and Central India Railway intermediate class compartments are not kept properly clean? If so, are Government prepared to take necessary steps in the matter?

**Mr. P. R. Rau:** Government have received no complaints in the matter, but will send a copy of the question to the Agent, Bombay, Baroda and Central India Railway.

**INTERMEDIATE CLASS COMPARTMENTS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

**81. \*Nawab Naharsingji Ishwarsingji:** Are Government aware that intermediate class compartments are not introduced in every train of the Bombay, Baroda and Central India Railway (main line), and that the travelling public are in great need of them? If so, are Government prepared to take early action for introducing intermediate class compartments in the Bombay, Baroda and Central India Railway (main line)?

**Mr. P. R. Rau:** The answer to the first part of the question is in the affirmative, and to the second part in the negative. Government are not prepared to press the Bombay, Baroda and Central India Railway Administration to put on intermediate class accommodation where they do not think traffic justifies it; but the question will be brought to the notice of the Administration for such action as they may desire to take.

**Mr. Gaya Prasad Singh:** Are Government aware that many persons, who would have travelled in the intermediate class, now travel third class on the Bombay, Baroda and Central India Railway, thus decreasing the revenue of the Railway Administration?

**Mr. P. R. Rau:** I am aware of that, and I am aware also that in many other railways the present financial position is such that many people who used to travel in the intermediate now travel third.

**Mr. N. M. Joshi:** May I ask whether Government have collected figures to show whether the first and second class traffic pays its way?

**Mr. P. R. Rau:** I don't think we have got figures, but I quite agree with my Honourable friend that the multiplicity of classes on Indian railways is a thing to be deplored.

**Mr. N. M. Joshi:** May I ask whether the Government will collect figures and find out whether the second and first class traffic pays its way, and, if it does not, to abolish these classes?

**Mr. P. R. Rau:** I think the figures collected in these abnormal times will not give an accurate idea of the position.

**Dr. Ziauddin Ahmad:** Will not every railway administration gain by paying a first class fare to every person who goes to purchase a first class ticket and ask him to travel in the third class?

**Mr. P. R. Rau:** I know my Honourable friend has made that suggestion before, but he has not got any data to justify it.

**Dr. Ziauddin Ahmad:** Does it not follow from the fact that the expenditure is three times the income and, therefore, my conclusion is correct?

**Mr. P. R. Rau:** I do not think we have got definite statistics to prove that the assumption of my Honourable friend that the expenditure on the first class travel is three times the income. So far as I am aware, we have not got definite figures to distribute the expenditure between first class and third class carriages.

**Dr. Ziauddin Ahmad:** These figures are given in your Administration Report.

**Mr. Gaya Prasad Singh:** Is it the contention of Government that the first and second class fare have ever paid their way in any railway in India?

**Mr. P. R. Rau:** I should like to have notice of that.

**Mr. N. M. Joshi:** May I ask whether Government will prepare a note on this subject in view of the fact that the Railway Budget will be placed before the Assembly in the near future?

**Mr. P. R. Rau:** On what subject, may I know?

**Mr. N. M. Joshi:** Whether the second and first class traffic pays its way.

**Mr. P. R. Rau:** As I have already told my Honourable friend, I do not think the collection of these statistics will serve any useful purpose, because the conditions are abnormal at present.

**Mr. N. M. Joshi:** May I ask whether they will prepare a note as to whether the first and second class traffic has paid its way during the last ten years? I am not talking of only the present time.

**Mr. P. R. Rau:** I am afraid it will not be possible to do this before the Budget is presented to the Assembly this year at any rate.

**Mr. Gaya Prasad Singh:** Is it a fact that the Railway Administration Reports themselves mention that about 95 per cent. of the revenue is derived from third class passengers?

**Mr. P. R. Rau:** I am not sure of the exact percentage, but the statement is generally correct.

**Mr. H. P. Mody:** Is it not clear that some inducement must be offered to the travelling public to travel first and second class?

**Mr. P. R. Rau:** That is the suggestion made by my Honourable friend, Dr. Ziauddin Ahmad, I think.

### ROAD DEVELOPMENT FUND.

**82. \*Nawab Naharsingji Ishwarsingji:** Will Government be pleased to place on the table of the House a statement showing:

- (a) the total amount realised from the two-anna petrol tax for the construction of roads in India in each Province;
- (b) the total amount of 10 per cent. reserved with the Government of India for making experiments on roads;
- (c) a detailed account as to how the 10 per cent. reserved with the Government of India has been spent till now;
- (d) the balance from the 10 per cent. reserved with the Government of India, and how Government propose to utilise this fund;
- (e) the conditions on which money is lent to each Provincial Government from this fund; and
- (f) the total amount lent to every Province from this fund?

**The Honourable Sir Frank Noyce:** I lay on the table of the House a statement containing the information asked for by the Honourable Member.

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#### *Statement.*

(a) The total amount realised up to March 31st, 1932, is Rs. 3,02,96,858. This is the proceeds of the additional duty on petrol of two annas up to September, 1931, and, with the 25 per cent. general increase of duties, two and a half annas subsequently. The revenue for the first six months of the current year is estimated to be Rs. 55,54,351, and this will shortly be taken into account for the purposes of distribution. On the basis prescribed by paragraphs (2), (3) (a) and (b) of the Legislative Assembly Resolution

of February 4th, 1930, a sum of Rs. 55,000 round has been set aside in respect of civil aviation and the balance of Rs. 3,02,41,858 has been distributed as follows :—

|   | Rs.                |
|---|--------------------|
| 10 per cent. reserve with the Government of India .   | 30,23,399          |
| Share of Madras . . . . .   | 41,88,163          |
| Share of Bombay . . . . .   | 49,38,690          |
| Share of Bengal . . . . .   | 41,07,393          |
| Share of United Provinces . . . . .   | 16,53,999          |
| Share of Burma . . . . .  | 29,28,045          |
| Share of Burma (Shan States) . . . . .  | 2,37,199           |
| Share of Punjab . . . . .   | 20,14,120          |
| Share of Bihar and Orissa . . . . .   | 10,64,152          |
| Share of Central Provinces . . . . .  | 9,36,423           |
| Share of Assam . . . . .  | 6,00,496           |
| Block grant for minor Administrations and States. (The North-West Frontier Province was in this category during the period in question) . . . . . | 45,49,779          |
| <b>Tot</b>  | <b>3,02,41,858</b> |

(b), (c) and (d). It will be convenient to furnish the information asked for under these three heads in one statement:

|   | Rs.              |
|---|------------------|
| The amount so far credited to the reserve is :                    |                  |
| (1) As above . . . . .  | 30,23,399        |
| (2) Voluntary contribution by the oil Companies in 1929 . . . . . | 9,38,900         |
|   | <u>39,62,299</u> |

This has been applied as follows :

|   |                  |
|---|------------------|
| A. Administration (Road Engineer and office, etc., expenditure to the 30th September, 1932) | 1,07,064         |
| B. Earmarked for grants for experimental works .  | 5,00,000         |
| C. Reserved for special grants for special works .  | 33,55,235        |
|   | <u>39,62,299</u> |

B. Grants amounting to Rs. 1,35,000 round have been sanctioned for experiments in various Provinces.

C. On the assumption that the total amount available in the reserve for special grants for special works in the five year period for which the account has been instituted would amount to about Rs. 40 lakhs, the Government of India on the advice of the Standing Committee have made a selection of works for which grants have been or are being offered, *vide* proceedings of the Standing Committee on Roads of March 19th, 1932, copies of which are in the library. Under the provisions of the Resolution of the Legislative Assembly above referred to, any balance in the reserve not eventually utilised for these purposes will be distributed in the same manner as the rest of the receipts in the Road Development Account.

(e) The Honourable Member is referred to the Resolution of the Legislative Assembly of the 3rd of October, 1931.

(f) Sanction to divert the following amounts from ordinary Provincial shares in the Road Development Account, as interest-free loans, has been accorded as follows :—

|                             | Rs. lakhs. |
|-----------------------------|------------|
| Bombay . . . . .            | 16         |
| Punjab . . . . .            | 8.26       |
| Central Provinces . . . . . | 2.50       |
| Assam . . . . .             | 4.28       |

NUMBER OF, AND AMOUNT REALISED AS DUTY AND LICENCE FEE, ETC., ON  
MOTORS IMPORTED INTO INDIA.

83. \*Nawab Naharsingji Ishwarsingji: Will Government be pleased to supply a statement on the following items :

- (a) the total number of motors—buses, touring cars and trucks—of English, French, Italian and American make imported into India within the last five years; and
- (b) the total amount of duty realised from these cars?

The Honourable Sir Joseph Bhoré: (a) and (b). I lay on the table the statements furnishing the information required.

*Statement showing the value of motor cars, etc., from certain countries and the amount of duty realised thereon during the years 1926-27 to 1930-31.*

(Omitting 000.)

| Motor cars (including taxi cabs). |          |          |          |          |         | Motor Omnibuses, motor vans and lorries. |          |          |          |          |  | *Parts (including rubber tyres) of mechanically propelled vehicles and accessories other than aircraft. |          |          |          |          |
|-----------------------------------|----------|----------|----------|----------|---------|--|----------|----------|----------|----------|--|---|----------|----------|----------|----------|
| 1926-27.                          | 1927-28. | 1928-29. | 1929-30. | 1930-31. |         | 1926-27.                                 | 1927-28. | 1928-29. | 1929-30. | 1930-31. |  | 1926-27.  | 1927-28. | 1928-29. | 1929-30. | 1930-31. |
|                                   | 20%      | 20%      | 20%      | 20%      |         |  | 20%      | 20%      | 20%      | 15%      |  |   | 15%      | 15%      |          |          |
| Rs.                               | Rs.      | Rs.      | Rs.      | Rs.      |         | Rs.                                      | Rs.      | Rs.      | Rs.      | Rs.      |  | Rs.   | Rs.      | Rs.      | Rs.      | Rs.      |
| Rate of duty                      | 80.42    | 1,02.55  | 97.54    | 96.54    | 71.03   | 19.24                                    | 22.74    | 20.50    | 17.52    | 15.25    |  |   |          |          |          |          |
| United Kingdom { Value            | 24.13    | 20.51    | 19.51    | 19.31    | 14.20   | 2.88                                     | 3.41     | 3.07     | 2.63     | 2.29     |  | 33.61   | 39.44    | 38.57    | 34.68    | 26.41    |
| United Kingdom { Duty Value       | 14.07    | 13.73    | 8.09     | 9.73     | 6.81    | 66                                       | 76       | 54       | 1.04     | 44       |  |   |          |          |          |          |
| France { Value                    | 4.22     | 2.74     | 1.62     | 1.94     | 1.36    | 10                                       | 11       | 8        | 15       | 7        |  | 1.48  | 1.61     | 1.48     | 2.07     | 1.72     |
| France { Duty Value               | 36.92    | 34.48    | 22.38    | 26.41    | 19.42   | 2.04                                     | 3.25     | 3.54     | 9        | 18       |  |   |          |          |          |          |
| Italy { Value                     | 11.07    | 6.89     | 4.47     | 5.28     | 3.88    | 31                                       | 49       | 53       | 1        | 2        |  | 1.23  | 1.79     | 1.66     | 1.83     | 2.61     |
| Italy { Duty Value                | 88.99    | 1,34.51  | 2,17.20  | 1,95.18  | 1,00.41 | 49.38                                    | 67.48    | 1,29.50  | 1,76.26  | 88.76    |  |   |          |          |          |          |
| U. S. A. { Value                  | 26.69    | 26.90    | 43.44    | 39.03    | 20.08   | 7.41                                     | 10.12    | 19.42    | 26.44    | 13.31    |  | 42.56   | 56.75    | 73.17    | 76.12    | 53.29    |
| U. S. A. { Duty                   |          |          |          |          |         |  |          |          |          |          |  |   |          |          |          |          |
| Total Value                       | ..       | ..       | ..       | ..       | ..      | ..                                       | ..       | ..       | ..       | ..       |  | 78.88   | 99.59    | 1,15.88  | 1,14.74  | 84.03    |
| Total Duty                        | 66.11    | 57.04    | 69.04    | 65.56    | 39.52   | 10.70                                    | 14.13    | 23.10    | 29.23    | 15.69    |  |   |          |          |          |          |
|                                   | 10.70    | 14.13    | 23.10    | 29.23    | 15.69   |  |          |          |          |          |  |   |          |          |          |          |
|                                   | 76.81    | 71.17    | 92.14    | 94.79    | 55.21   |  |          |          |          |          |  |   |          |          |          |          |

\* It is not possible to deduce duty in this case as parts of motor cars and buses, etc., are liable to different rates of duty and their values are not published separately in the Sea-borne Trade Accounts.

*Statement showing the number of motors, buses, touring cars and trucks imported from certain countries during the years 1926-27 to 1930-31.*

| Country.                 | Motor cars (including taxi cabs). |          |          |          |          | Motor omnibuses, motor vans and motor lorries. |          |          |          |          |
|--------------------------|-----------------------------------|----------|----------|----------|----------|--|----------|----------|----------|----------|
|                          | 1926-27.                          | 1927-28. | 1928-29. | 1929-30. | 1930-31. | 1926-27.                                       | 1927-28. | 1928-29. | 1929-30. | 1930-31. |
| United Kingdom           | 2,546                             | 3,600    | 3,645    | 3,758    | 2,885    | 341  | 447      | 473      | 398      | 258      |
| France                   | 607                               | 538      | 277      | 364      | 261      | 21   | 27       | 18       | 48       | 13       |
| Italy                    | 1,416                             | 1,367    | 967      | 1,150    | 917      | 99   | 207      | 87       | 4        | 10       |
| United States of America | 4,630                             | 6,031    | 10,145   | 9,620    | 5,098    | 2,322  | 3,699    | 7,572    | 12,017   | 6,197    |

#### RULES REGARDING POSSESSION OF ARMS AND SWORDS.

84. **\*Nawab Naharsingji Ishwarsingji:** (a) Will Government be pleased to state the reasons for making hard and fast rules about arms and particularly swords, and are Government aware that swords are ornamental in these days?

(b) Are Government aware that in most of the riots which took place in India within the last five years no sword was used?

(c) Are Government aware that the feelings of the aristocracies of India are greatly hurt by those rules?

**The Honourable Sir Harry Haig:** (a), (b) and (c). Government cannot accept the view that swords are not dangerous weapons, and that it is not necessary in certain areas to impose restrictions on their possession. They are, however, in general exempt from the prohibitions and directions contained in the Arms Act, with the proviso that Local Governments have power to retain all or any of such prohibitions and directions in the case of any class of persons or of any specified area. There is no reason to believe that this discretion is exercised unreasonably.

**Mr. Lalchand Navarai:** Will the Honourable Member be pleased to state whether he knows that this restriction has been placed in the Bombay Presidency?

**The Honourable Sir Harry Haig:** I am afraid I have no information on that.

**Mr. Lalchand Navarai:** Is the Honourable Member in a position to state whether in the civil disobedience movement swords were used at all?

**The Honourable Sir Harry Haig:** It is not the ordinary weapon of the terrorist, but the Arms Act is not directly solely against terrorism.

**Mr. Lalchand Navarai:** The Honourable Member knows that these swords have been kept in houses from time immemorial. What is the reason now to enable Provincial Governments to put this restriction?

**The Honourable Sir Harry Haig:** There has been no change in the situation. The present rules have been in force for many years past.



**Mr. Lalchand Navalrai:** I want to bring to the Honourable Member's notice that in the Bombay Presidency there is a rule that, for merely keeping it, a license is required. That is a departure from immemorial practice and custom.

**The Honourable Sir Harry Haig:** It appears to me that the Honourable Member's complaint is against the Bombay Government, and that the matter might be raised in the Bombay Legislative Council.

**Mr. Lalchand Navalrai:** It is not only in the Bombay Presidency but in other areas as well. May I know what is the policy of the Government of India?

**The Honourable Sir Harry Haig:** The matter is left entirely to the discretion of the Local Governments.

#### LICENCES FOR AUTOMATIC PISTOLS AND REVOLVERS.

**85. \*Nawab Naharsingji Ishwarsingji:** Are Government aware that the grant of licence for automatic pistols and revolvers is properly restricted? If not, are Government prepared to consider the question of amending the rules thereon to the effect that except in special circumstances no licence for automatic pistols and revolvers should be given?

**The Honourable Sir Harry Haig:** The Government of India have recently been in correspondence with Local Governments regarding the procedure for licensing automatic pistols and revolvers, and I can assure the Honourable Member that Local Governments fully realise the necessity for restricting licenses for these weapons to those persons who have a real need of them and who can be trusted to keep them in safe custody. The Government of India do not consider that any amendment of the rules is necessary at present.

#### ABOLITION OF INCOME-TAX ON INCOMES OF Rs. 1,000.

**86. \*Nawab Naharsingji Ishwarsingji:** Will Government be pleased to state whether the financial condition of the Government of India is better than last year? If so, have Government got any proposal to abolish the income-tax on an income of Rs. 1,000?

**The Honourable Sir George Schuster:** I would ask the Honourable Member to wait until I make the usual statement through my Budget Speech.

#### INCOME AFTER THE ENHANCEMENT OF THE POSTAL RATES.

**87. \*Nawab Naharsingji Ishwarsingji:** Will Government be pleased to state whether, after increasing the postal rates, the income accruing therefrom has increased or decreased?

**Sir Thomas Ryan:** The total postage and message revenue during the twelve months ending on the 30th November, 1932, was greater than that during the immediately preceding twelve months.

#### REPRESENTATION OF MUSLIMS IN GOVERNMENT SERVICES.

**88. \*Nawab Naharsingji Ishwarsingji:** (a) Will Government be pleased to state whether any Government resolution or notification has been passed by the Government of India regarding the 33 per cent. of the services to be given to Muhammadans?

(b) Are Government aware that many qualified Muhammadan candidates who have passed B.A. or LL.B. examinations are not given suitable jobs by Government even if they are available?

**The Honourable Sir Harry Haig:** (a) I would invite the attention of the Honourable Member to the Home Department Office Memorandum No. F.-176/25-Ests., dated the 5th February, 1926, which explains the existing policy of the Government of India as regards the representation of minority communities in the services under their control, a copy of which is available in the Library. As will be seen the reservation applies to minority communities generally and not only to Muslims.

(b) There must be many qualified candidates in all communities who are unable to obtain Government posts.

**Mr. M. Maswood Ahmad:** Have Government issued any order or circular on Mr. Hassan's report, or is it still pending in the Home Department?

**The Honourable Sir Harry Haig:** I am not sure that the report is pending in the Home Department, but the whole question of our existing orders is at the present moment under review.

**Mr. M. Maswood Ahmad:** Does the Honourable Member remember that in the November Session he admitted that the report was pending in the Home Department?

**The Honourable Sir Harry Haig:** I expect the report has by this time found its way to the Railway Department.

**Mr. Lalchand Navalrai:** With regard to clause (b) of this question, may I know from the Honourable Member if he knows that there are many B.A.'s and LL.B.'s among the Muhammadan community and there is a keen competition amongst themselves.

**The Honourable Sir Harry Haig:** I should think it is very probable.

#### CASE OF SRIMATI SAVITRI DEVI.

89. **Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to the case of Srimati Savitri Devi, who was sentenced to six months' rigorous imprisonment, and a fine of Rs. 50, under section 17, Criminal Law Amendment Act, by Mr. Isar, Magistrate of Delhi? What in brief are the facts of the case?

(b) Are Government aware that Mr. Justice Jai Lal of the Lahore High Court, in course of his judgment on a revision petition, observed as follows:

"I consider that the sentence awarded by the Magistrate, and reasons given by him are wholly indefensible, on the ground that, in the words of the Magistrate himself 'she belongs to a family the members of which have always taken active part against the Government, and it is futile to send her to jail for a short term'. The petitioner is entitled to be judged with regard to her guilt or otherwise, according to her own conduct, and antecedents of her family are quite irrelevant"?

**The Honourable Sir Harry Haig:** (a) Yes. The facts are briefly that this lady with two others was charged under section 17(1) of the Indian Criminal Law Amendment Act, 1908, for leading a "Prisoners' Day" procession in Delhi on the 4th July, 1932, organised by the Delhi Congress

Committee which had been declared an unlawful association. The procession carried a flag bearing seditious inscriptions. The Magistrate found the accused guilty under section 17(1) of the Criminal Law Amendment Act as by their action they had actively assisted the operations of an unlawful association.

(b) I have seen a copy of the judgment which is not quite correctly quoted by the Honourable Member.

**Mr. Gaya Prasad Singh:** Will the Honourable Member give the correct extract of that portion of the judgment which I may have incorrectly quoted?

**The Honourable Sir Harry Haig:** I should be very glad to communicate a copy of the judgment to the Honourable Member afterwards or to lay it on the table of the House.

#### MOUNT EVEREST EXPEDITION WITH LORD CLYDESDALE, M.P., AS CHIEF PILOT.

90. **\*Mr. Gaya Prasad Singh:** Are Government aware that the Mount Everest Air Expedition is shortly coming out to India, with Lord Clydesdale, M.P., as the Chief Pilot? If so, when? And have the Government of India offered any assistance to the Expedition? If so, what?

**Mr. H. A. F. Metcalfe:** Yes. The Expedition had arranged to leave England at the end of January, 1933, and the flight is expected to take place on or after March 15th.

Facilities ordinarily afforded to such expeditions are being given by the Government of India. No share of the cost of the flight is being borne by Indian Revenues.

#### FEELING OF INSECURITY AMONG THE JEWISH COMMUNITY IN ADEN.

91. **\*Mr. Gaya Prasad Singh:** Is it a fact that Mr. Zev Gartenhaus, as the representative of certain Jewish newspapers, had an interview with the Chief Commissioner of Aden, about the 27th September, 1932, in the course of which he pointed out the various grievances of the Jewish community, during and after the recent riots, and specially the fact that Jewish ladies do not venture to go outside the Jewish quarters in Aden in view of the feeling of insecurity? Will Government kindly state what definite steps, if any, have been taken by the authorities to restore the feeling of security among the Jewish community in Aden against future molestation. and if there has been any further communal trouble there?

**Mr. H. A. F. Metcalfe:** Mr. Gartenhaus had an interview with the Chief Commissioner, Aden, on the 27th September. There has been no further communal trouble in Aden since the Moslem-Jewish disturbances of May last, and the feeling of racial antagonism aroused by those events has subsided. Arrests and punishment by imprisonment and deportation have produced a deterrent effect on the unruly element while respectable Arabs have throughout deplored and discouraged anti-Jewish demonstrations. At the request of the Jews additional police have been posted in the Jewish quarter on occasions of Jewish and Moslem festivals in order to restore a sense of security although the situation in fact no longer requires such special precautions. Jews are now pursuing their business in a normal manner. Jewish schools including girls schools which are in the main part of the town are open and there is no reason for Jewish ladies to fear molestation.

**HUNGER-STRIKE IN THE RAJAHMUNDRY JAIL BY LAHORE CONSPIRACY CASE PRISONERS.**

92. \***Mr. Gaya Prasad Singh:** Have Government received any communication from the Madras Government, regarding the plight of the prisoners convicted in connection with the Lahore Conspiracy Case, who were said to be on hunger-strike in the Rajahmundry Jail?

**The Honourable Sir Harry Haig:** The Madras Government have reported that three prisoners have been on hunger-strike for a considerable period.

**Mr. Gaya Prasad Singh:** What are the names of the three prisoners?

**The Honourable Sir Harry Haig:** I am not sure that I have the names with me at present. They were three prisoners who were convicted in connection with the Lahore Conspiracy Case.

**Mr. Gaya Prasad Singh:** What is the present condition of their health? Are they still on hunger-strike?

**The Honourable Sir Harry Haig:** The latest information we have is that they are still on hunger-strike.

**Mr. Gaya Prasad Singh:** How long have they been on hunger-strike?

**The Honourable Sir Harry Haig:** I think they started some time in November. (Laughter.)

**Mr. S. C. Mitra:** Are Government aware of the reasons for these prisoners going on hunger-strike?

**The Honourable Sir Harry Haig:** The original reason, as reported to us, was that it was a protest against a refusal to give a particular diet—a particular quantity of milk, ghee and sugar—to one of the prisoners, but, later on, that has been turned into a general protest against their being classed as C class prisoners.

**Mr. M. Maswood Ahmad:** Are these prisoners being forcibly fed?

**The Honourable Sir Harry Haig:** Yes, Sir. Otherwise I do not think they could possibly be alive.

**Mr. Lalchand Navalrai:** Was any revision made by the Government with regard to the food-stuff that they wanted to be changed?

**The Honourable Sir Harry Haig:** I do not think there was any change in the normal diet; but, of course, under present circumstances, they are getting such diet as is necessary to keep them alive.

**Mr. S. C. Mitra:** Are the Government of India aware of the reasons why these prisoners were transferred from Lahore to the Madras Presidency? The Honourable the Home Member well knows that the diet in the Punjab is quite different to that in Madras.

**The Honourable Sir Harry Haig:** I do not think that the complaint was that the Madras food was unsuitable in any way. They wanted, after all, milk as an article of diet, which presumably is the same in Madras as in the Punjab.

**Mr. S. C. Mitra:** What were the reasons for transferring these prisoners from Lahore to Madras?

**The Honourable Sir Harry Haig:** I think they were giving a great deal of trouble in the Punjab jails, and the Punjab Government thought it necessary to ask the Madras Government to take them over.

**Mr. S. C. Mitra:** Was it expected that in Madras they would be all right?

**The Honourable Sir Harry Haig:** It was hoped that they would be better.

**Mr. S. C. Mitra:** Can we assume that the treatment in Madras jails is far better than in the Punjab jails? Is that the inference?

**The Honourable Sir Harry Haig:** No, Sir. The position is that sometimes with troublesome prisoners, it is an advantage to get them away from their local surroundings.

**Mr. T. N. Ramakrishna Reddi:** Will Government take steps to transfer them to Northern India jails where the diet is similar to that in the Punjab?

**The Honourable Sir Harry Haig:** The question is not really the kind of diet, but whether they should be treated as B or C class prisoners.

**Mr. S. C. Mitra:** When a prisoner is transferred, who is responsible for the classification—the Government of India or the Local Government of the province to which they are transferred?

**The Honourable Sir Harry Haig:** They are classified by the trial Court in the first instance, and the Local Government—that is to say, the Local Government of the province where the trial takes place—has a right of revision: so that the decision in this case rests with the Government of the Punjab.

**Mr. S. C. Mitra:** May we take it that these prisoners were classed as C class from the very beginning, or after their transfer?

**The Honourable Sir Harry Haig:** They were classed as C from the very beginning.

**Sardar Sant Singh:** May I ask if the object of a transfer from one province to another is to deprive the prisoner of his social amenities that exist in his own province, so that he may be excluded from social intercourse altogether in the other province to which he is transferred?

**The Honourable Sir Harry Haig:** The Honourable Member will understand that jails are not places for social relaxation.

**Sardar Sant Singh:** Certainly, a man, being a social being, requires sometimes to talk to his fellow-beings. Now if the language is different, there will be difficulties and further trouble with the prisoners?

**The Honourable Sir Harry Haig:** I imagine that these prisoners would not be incapable of conversing with the prisoners in the Madras jail.

**Sardar Sant Singh:** What about interviews? How do the Government arrange for interviews which are allowed under the jail regulations?

**The Honourable Sir Harry Haig:** They would be entitled to interviews under the ordinary rules that exist, whether in Madras or in the Punjab.

**Sardar Sant Singh:** Does it not practically amount to refusing them this privilege of interviews, when you ask the relations of these prisoners to go from long distances, at very great expense and inconvenience to themselves?

**The Honourable Sir Harry Haig:** No, Sir. I do not think so.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state whether the grievance or complaint with regard to the food still continues, and whether the Government cannot make any change as asked for in the diet in order that they may not continue their hunger-strike?

**The Honourable Sir Harry Haig:** The matter has got far beyond the question of the particular form of diet. As I have explained, for some considerable time past all these three prisoners are being forcibly fed. That is to say, they are being given such diet as the medical authorities think is most suitable to maintain them alive. Therefore, no question of normal diet at the present moment arises.

**Mr. Lalchand Navalrai:** May I take it that there is no complaint on that score?

**The Honourable Sir Harry Haig:** I think the Honourable Member may certainly take that. So far as the reasons for the continuance of this hunger-strike are concerned, as I have already said I understand it is now simply a demand that they should be classified as B class.

**Mr. M. Maswood Ahmad:** May I ask if the rules for interviews with prisoners are the same in all the province, or there are differences according to local conditions?

**The Honourable Sir Harry Haig:** The general privileges of B class prisoners are the same in all provinces.

**Mr. M. Maswood Ahmad:** What about C class prisoners?

**Sardar Sant Singh:** Is it not in the interests of the Administration that the Government should avoid giving this impression to the public that there is some vindictiveness in the treatment of these political prisoners?

**The Honourable Sir Harry Haig:** I do not quite know what my Honourable friend means by "political prisoners". The Lahore Conspiracy case prisoners were men who had been engaged in a dangerous terrorist conspiracy.

**Mr. T. N. Ramakrishna Reddi:** Is that the reason why they are being persecuted like that, so much so that they have been hunger-striking for the last 80 days?

**The Honourable Sir Harry Haig:** No, Sir. The authorities have been doing everything they can to keep them alive.

**Mr. T. N. Ramakrishna Reddi:** Is it not a fact that the mother of one of the prisoners has reported to the effect that the condition of her son is much more serious than what is reported?

**The Honourable Sir Harry Haig:** I am afraid I could not follow the Honourable Member's question. Will he kindly repeat it?

**Mr. T. N. Ramakrishna Reddi:** Is it not a fact that the mother of one of the prisoners went to Rajahmundry jail and saw her son and that she has reported that the condition of her son is precarious and much more serious than what has been reported?

**The Honourable Sir Harry Haig:** Reported by whom?

**Mr. T. N. Ramakrishna Reddi:** Reported in the papers and by the Government.

**The Honourable Sir Harry Haig:** I did not say that the condition of these people was not serious. Naturally, when men have been on hunger-strike for two months and more, their situation must give cause for some anxiety.

**Sardar Sant Singh:** May I know if the Government treat those prisoners who are convicted of political outrages, though we may not agree to call them political prisoners, as worse than dacoits and murderers?

**The Honourable Sir Harry Haig:** They receive precisely the same treatment as other prisoners of their class in the various jails.

**Sardar Sant Singh:** May I know how many murderers have been transferred from the Punjab to Madras jails?

**The Honourable Sir Harry Haig:** I think the Honourable Member will have to put down a question about that. He cannot expect me to give an answer off-hand.

**Mr. S. C. Mitra:** Is it not a fact that in matters of classification of prisoners the motive for crime is not taken into consideration? The main criteria are the mode of living, the status of the prisoner and his education and such other matters?

**The Honourable Sir Harry Haig:** That is roughly correct.

**Mr. Gaya Prasad Singh:** In view of the fact that the Home Member has admitted that the condition of these prisoners is causing anxiety, may I know what steps have the Government taken or propose to take to remove the cause of that anxiety?

**The Honourable Sir Harry Haig:** The matter does not lie in the hands of the Government. The Government cannot accept the position that a prisoner can dictate to Government how he should be treated in jail.

**LIGHT TANKS ORDERED BY THE ARMY DEPARTMENT.**

**93. \*Mr. Gaya Prasad Singh:** (a) Is it a fact that about 60 light tanks were ordered by the Army Department, but when about half the number ordered had been despatched, various additions and alterations suggested by senior military officers in India had been carried out, and it was found that they resulted in "uneconomic increase in weight" which was raised from 3 tons to 4½ tons per machine, leading to reduced speed, increased petrol consumption, and mechanical defects in the bogies and bodies, while the turrets jammed?

(b) Is it a fact that the unsatisfactory results led to the stopping of further deliveries of the remaining machines? Will Government kindly make a statement on the subject, stating why the defects were not foreseen before ordering so many machines at once, and what was the price of each machine before and after the alterations had been carried out, and the approximate loss of money involved?

**Mr. G. R. F. Tottenham:** The Honourable Member's question is, I think, based on what appears to have been a most misleading and ill-informed article contributed to an English newspaper and reproduced, or partially reproduced, in the Indian Press; and I am indebted to him for giving me this opportunity to explain the position. The facts are that at the beginning of 1931, four experimental light tanks were brought out and carefully tested under Indian conditions. Certain modifications of design were suggested and accepted by the makers; and finally an order for 54 (not 60) vehicles was placed in June, 1931, at a price of Rs. 33,796 each. The modifications made to suit Indian conditions did entail some increase of weight, but it is entirely untrue that the increase was uneconomic or that it amounted to 1½ tons or that any addition to the weight has been made since the order was placed.

The tanks have been arriving in India in small batches during the last year and certain minor defects have gradually come to light, such as are always to be expected in any new type of mechanical vehicle. These have been remedied without in any way increasing the original contract price or affecting the performance of the tanks in the matter of petrol consumption or speed.

It is a fact that the delivery of the last 24 vehicles was delayed pending the rectification of a defect which declared itself in the gear box after several months' running. But this defect could not have been detected at the outset; it was not serious; and the machines already in India are being put right locally without extra expense to the State.

There has thus been no lack of foresight and no loss of money; while the performance of the tanks has given full satisfaction to the military authorities and is a considerable advance on anything that has hitherto been achieved.



**Mr. Gaya Prasad Singh:** Is it not a fact that comments on this subject appeared in the *Daily Mail* and other newspapers in England, and also in the *Statesman* and other papers in India.

**Mr. G. R. F. Tottenham:** I said at the beginning of my answer that the question was apparently based on an article which was contributed to the Home Press and that the article contributed to the Home Press was misleading and ill-informed.

**Mr. K. C. Neogy:** Will the Honourable Member, then, admit that it is dangerous to rely on the reports that appear in the British Press and also in a particular section of the Press in India in regard to Indian matters?

**Mr. G. R. F. Tottenham:** In this matter it appears to be so.

#### DISARMING OF THE SIKHS OF THE ROYAL BOMBAY SAPPERS AND MINERS AT KIRKEE.

94. **\*Mr. Gaya Prasad Singh:** Will Government kindly state why order was passed that no Sikhs of the Royal Bombay Sappers and Miners at Kirkee shall be allowed to carry or be in charge of Government arms for a stated period, as a result of which order all the Sikh soldiers there were relieved of their arms? Is there any evidence to show that all the Sikh soldiers there were involved in the attempt on the life of Captain R. L. Thompson, the Army Commander?

**Mr. G. R. F. Tottenham:** The order was issued by the Army Commander to quote his own words "as a mark of his displeasure at the recent attempt made on the life of a British officer and the discredit thereby brought on the Sikh community".

As the case is now *sub judice* it would be improper for me to make any further statement on the subject at present, but it would, I think be permissible to add that there is no reason whatever to believe that the general body of Sikhs in the Corps was implicated.

**Sardar Sant Singh:** The Honourable Member has said that because an offence was committed by one member of the Sikh community upon the life of an officer of a regiment, therefore, in order to mark the displeasure, the whole community was deprived of its arms. Is it the right course? Does the Honourable Member approve of it?

**Mr. G. R. F. Tottenham:** That, Sir, is a matter of opinion. Ordinarily, we are not expected in answering questions in this House to give opinions, but I think I may say that the question of the action to be taken was a matter entirely for the discretion of the Army Commander, who is responsible for the discipline of the troops under his Command, and the Government have complete confidence in the Army Commander and agree that his discretion was wisely and correctly exercised.

**Sardar Sant Singh:** I am unable to understand the Honourable gentleman when he says that it is a matter of opinion. If one member of the Sikh community commits an offence, the whole Sikh community is deprived of certain privileges which belong to it on account of its public service. Is it a question of policy or is it a matter of opinion?

**Mr. G. R. F. Tottenham:** I understand that the Honourable Member asked whether the action taken by the Army Commander was, in the opinion of the Government of India, justified, considering that only one Sikh was involved; and I said that that was a matter of opinion.

**Mr. Gaya Prasad Singh:** If the case is *sub judice*, why did the Army Commander take upon himself the responsibility of depriving all the Sikh soldiers of their arms before the disposal of the case?

**Mr. G. R. F. Tottenham:** He did so for the reasons that I have already given in my answer.

**Mr. Gaya Prasad Singh:** Has the Sikh soldier in question been convicted of the offence with which he was charged up till now?

**Mr. G. R. F. Tottenham:** No, Sir; the case is still *sub judice*.

**Mr. Gaya Prasad Singh:** Then, Sir, why all the Sikh soldiers were deprived of their arms, as even this particular Sikh soldier has not yet been proved to be guilty?

**Mr. G. R. F. Tottenham:** Sir, I have already stated in my answer that it was done as a mark of the Army Commander's displeasure at the attempt on the life of a British officer.

**Mr. Gaya Prasad Singh:** How could the Army Commander come to the conclusion that that particular Sikh soldier was guilty of the offence when the case has not been disposed of and is still *sub judice*?

**Mr. G. R. F. Tottenham:** It was clear that the officer in question had been shot at by somebody in the regiment and, therefore, that one or other of the members of the regiment were involved. Possibly a large number of them were involved. At that time the Army Commander was not in a position to know the exact facts, but he issued his order for the reasons that I have already stated.

**Mr. S. C. Mitra:** Is there any instance of a British soldier who shot at an officer or did something against an officer and, therefore, some action was taken against the whole body of soldiers?

**Mr. G. R. F. Tottenham:** I am not aware of such a case.

**Sardar Sant Singh:** Has a similar action been taken in the past in respect of a similar offence committed by a member of any other community?

**Mr. G. R. F. Tottenham:** I do not know whether any similar steps have been taken before. But the point is that in this particular case the Army Commander considered it necessary for the reasons already stated to issue the order that he did and the Government of India are satisfied that that order was justified?

**Mr. H. P. Mody:** If my Honourable friend, Sardar Sant Singh, were to indulge in violent language, will the Sikh Members of this House be deprived of the right to speak?

(No answer.)

## ASSESSMENT OF INCOME-TAX AND SUPER-TAX IN THE PUNJAB.

95. \*Mr. K. P. Thampan (on behalf of Mr. B. R. Puri): Will Government be pleased to state:

- (1) how much (a) income-tax and (b) super-tax was assessed in the Punjab in the year 1930-31; and
- (2) how much under each of the above two heads was assessed communitywise, viz., (a) Hindus, (b) Sikhs and (c) Muhammadans?

**The Honourable Sir George Schuster:** (1) (a). Rs. 54,40,442.

(b) Rs. 3,96,368.

(2) The required information cannot be supplied as payments of tax are not classified according to the community to which a tax-payer may belong.

## PERSONS ARRESTED IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT AND OTHER POLITICAL MOVEMENTS.

96. \*Mr. M. Maswood Ahmad: Will Government be pleased to state the number of persons arrested up to the 31st December, 1932, after the Second Round Table Conference in connection with the civil disobedience movement and other political movements in different provinces (each province separately)?

**The Honourable Sir Harry Haig:** With your permission, Sir, I will answer questions Nos. 96 and 97 together.

I lay on the table a statement giving the information in my possession relating to the civil disobedience movement. I regret I have no information as to the number of arrests.

*Statement showing (a) number of persons convicted, though not necessarily sentenced to imprisonment, for offences connected with the civil disobedience movement and (b) the number of persons undergoing imprisonment.*

| Province.                   | No. of persons convicted though not necessarily sentenced to imprisonment for offences connected with the civil disobedience movement since the revival of the movement up to the end of December, 1932. | No. of convicted persons undergoing imprisonment at the end of December, 1932. |
|-----------------------------|--|--|
| Madras . . . . .            | 3,158  | 1,112  |
| Bombay . . . . .            | 12,857   | 3,937  |
| Bengal . . . . .            | 11,783   | 1,933  |
| United Provinces . . . . .  | 13,093   | 3,016  |
| Punjab . . . . .            | 1,697  | 358  |
| Burma . . . . .             | ..   | ..   |
| Bihar and Orissa . . . . .  | 11,975   | 1,781  |
| Central Provinces . . . . . | 3,917  | 311  |
| Assam . . . . .             | 1,222  | 357  |
| N.-W. F. P. . . . .         | 5,790  | 1,742  |
| Delhi . . . . .             | 1,016  | 145  |
| Coorg . . . . .             | 236  | 80   |
| Ajmer-Merwara . . . . .     | 280  | 43   |
| Total . . . . .             | 60,937   | 14,815   |

**PERSONS IN JAILS IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT  
AND OTHER POLITICAL MOVEMENTS.**

†97. \*Mr. M. Maswood Ahmad: Will Government be pleased to state the number of persons in jails in different provinces (each province separately) on the 31st December, 1932, in connection with the civil disobedience movement or other political movements?

**NUMBER OF DETENUS KEPT IN DIFFERENT PLACES.**

98. \*Mr. M. Maswood Ahmad: Will Government be pleased to state the number of detenus kept in different places on the 31st December, 1932, with their nationality and community?

**The Honourable Sir Harry Haig:** I lay on the table a statement giving the particulars required as far as they are available.

*Statement of persons in jails or internment camps under (a) the Bengal Criminal Law Amendment Act and (b) as State prisoners under Regulations III of 1918 and XXV of 1927.*

(a) The number of prisoners detained in jails or detention camps under the Bengal Criminal Law Amendment Act on the 31st December, 1932, was 1,348 all of whom are in Bengal except 98 in Deoli and 1 in the Punjab. These persons are all inhabitants of Bengal.

(b) The number of State prisoners in jail is 35 as follows:—

| No. of State prisoners. | Province of Origin.           | Province of detention.                 |
|-------------------------|-------------------------------|--|
| 2                       | Bombay . . . .                | Bombay.                                |
|                         |                               | { 1 in Bengal.                         |
|                         |                               | 8 in Madras.                           |
|                         |                               | 4 in Punjab.                           |
| 21                      | Bombay . . . .                | { 1 in the United Provinces.           |
|                         |                               | 5 in the Central Provinces.            |
|                         |                               | 2 in the North-West Frontier Province. |
| 7                       | Punjab . . . .                | Punjab.                                |
| 4                       | North-West Frontier Province. | { 2 in the United Provinces.           |
|                         |                               | 2 in Bihar and O-issa.                 |
| 1                       | Delhi . . . .                 | Delhi.                                 |
| 35                      |                               |  |

†For answer to this question, see answer to question No. 96.

## RELEASE OF MR. GANDHI.

99. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether they have received any suggestion from the Right Honourable Sir Samuel Hoare about Mr. Gandhi's release?

(b) Is it a fact that Government have refused to agree to the Right Honourable Sir Samuel Hoare's suggestion that Mr. Gandhi should be released?

(c) Will Government be pleased to state their policy in connection with Mr. Gandhi's imprisonment and release?

**The Honourable Sir Harry Haig:** (a) No.

(b) Does not arise.

(c) The policy of Government remains unchanged.

**Mr. M. Maswood Ahmad:** Is it a fact that the first meeting of the Viceroy's Executive Council of the New Year was held at the Viceroy's Camp at Belvedere on Thursday morning, the 5th January, 1933, and that they discussed the attitude to be taken up by the Government of India in regard to the question of releasing Mr. Gandhi and other political prisoners?

**The Honourable Sir Harry Haig:** I think the Honourable Member's supplementary question anticipates precisely a question which is down on the paper to be answered later. But I have no objection to saying at once that questions of the procedure in the Governor General's Council are confidential and I can say nothing about them.

## INTRODUCTION OF THE INTERNAL PASSPORT SYSTEM IN BENGAL.

100. **\*Mr. M. Maswood Ahmad:** Is it a fact that Government intend to introduce the internal passport system in Bengal to check the terrorist movement activities?

**The Honourable Sir Harry Haig:** No such proposal has been submitted to the Government of India.

## BOMB OUTRAGE IN DELHI.

101. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the full facts about the bomb outrage that occurred in Delhi on the 30th December, 1932?

(b) What amount of money and jewellery were taken away by the gang?

(c) Did the police arrest any one of the gang up till now?

**The Honourable Sir Harry Haig:** (a) and (b). On the 30th December, 1932, one Pearey Narain was returning to his house from Chowri Bazar carrying with him two bags containing Rs. 25-12-9 in cash and silver ornaments valued at Rs. 269. When he reached the junction of Sarak Prem Narain and Gali Badalyan at about 7-30 P.M. somebody hit him from behind on the back of his head. Pearey Narain fell down in an unconscious state. After two or three minutes he regained consciousness and found that both the bags were missing. Just after that an explosion of a cracker took place inside Gali Badalyan at a distance of about 30 paces from the place of the occurrence. The explosion caused some noise

and smoke. The complainant on reaching his house, informed his son who reported the matter at the Police Station. No clue to the culprits has so far been discovered and the case is still under investigation.

(c) No arrest has been made so far.

**Mr. Lalchand Navalrai:** May I know if there was any police arrangement in that lane where this robbery took place?

**The Honourable Sir Harry Haig:** I do not suppose there was a police constable on duty in that lane. If there were a police constable on duty in every lane in Delhi, we should have to come to this House for a very large increase in the police grant.

**APPLICATION OF THE DIFFERENT SECTIONS OF THE CRIMINAL LAW AMENDMENT ACT, 1932.**

102. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state in which districts the different sections of the Criminal Law Amendment Act of 1932, passed in December, 1932, have come into force and from what date, according to the following schedule?

| Name of District. | Province. | Section. | Date of commencement. | By the order of Central or Local Government. | Remarks. |
|-------------------|-----------|----------|-----------------------|--|----------|
|                   |           |          |                       |  |          |

**The Honourable Sir Harry Haig:** The whole of the Criminal Law Amendment Act, 1932, except sections 4 and 7, came into force at once, *viz* sub-section (1) of section 1 of the Act. I lay on the table a statement showing the areas in which sections 4 and 7 have been brought into force by Local Governments.

*Statement showing the areas in which sections 4 and 7 of the Criminal Law Amendment Act, 1932, have been brought into force by local Governments.*

| Province.    | Section. | Areas in which enforced.   | With effect from | No. and date of Local Government's Notification. |
|--------------|----------|--|------------------|--|
| Madras . . . | 7        | Whole Presidency .   | 27-12-32         | No. 322, dated 26th December 1932.               |
| Bombay . . . | 4 & 7    | City of Bombay, the Bombay Suburban District, and the Districts of Karachi, Kaira, Ahmednagar, East Khandesh, West Khandesh, Ratnagiri and Kanara. | 29-12-32         | No. S. D.-7752, dated 27th December 1932.        |

*Statement showing the areas in which sections 4 and 7 of the Criminal Law Amendment Act, 1932, have been brought into force by local Governments—contd.*

| Province.          | Section. | Areas in which enforced.   | With effect from | No. and date of Local Government's Notification.       |
|--------------------|----------|--|------------------|--|
| United Provinces . | 4 & 7    | Districts of Saharanpur, Meerut, Muzaffarnagar, Muttra, Agra, Pilibhit Farrukhabad, Etawah, Cawnpore, Fatehpur, Allahabad, Hamirpur. Benares, Ghazipur, Lucknow, Unao, Rao Bareilly, Sitapur, Hardoi and Partabgarh. | 29-12-32         | No. 3081-VIII-1912, dated 29th December 1932.          |
| Punjab . . .       | 7        | Lahore and Amritsar Districts.   | 31-12-32         | No. 16712-S. B., dated 31st December 1932.             |
| Bihar and Orissa . | 7        | Whole Province and the Angul District.   | 26-12-32         | Nos. 10190-C., and 10192-C., dated 26th December 1932. |
| Assam . . .        | 7        | Districts of Sylhet, Cachar, Goalpara, Kamrup, Darrang, Nowgong, Sibsagar and Lakhimpur.   | 7-1-33           | No. 104-G.J., dated 7th January 1933.                  |
| Delhi . . .        | 7        | Whole Province   | 24-12-32         | No. 9690-Home, dated 24th December 1932.               |

#### EXPORT OF GOLD FROM INDIA.

103. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state the total weight in tolas and the total value of gold exported from India since Britain went off the gold standard up to the 31st January, 1933?

**The Honourable Sir George Schuster:** 14½ million fine ounces of gold were exported from India between the 22nd September, 1931, and the 31st December, 1932. of a value of approximately 111½ crores. I have not got the exact figures for January, 1933.

**Mr. H. P. Mody:** Does my Honourable friend regard the continued export of gold as beneficial to the country?

**The Honourable Sir George Schuster:** I think my Honourable friend is as well aware as I am of the effects of the export of gold and I think he will agree with me that it has had certain beneficial effects on the condition of the country at present.

**Dr. Ziauddin Ahmad:** How will it affect his Reserve Bank with regard to which a Bill, I understand, is being presented before the Assembly?

**The Honourable Sir George Schuster:** What the private citizens of India do with their own private possessions does not have any very direct effect on the reserves which will be available for a Reserve Bank for India.

**Mr. Lalchand Navalrai:** Will the Honourable Member give the main reasons why he thinks the continued export of gold is advantageous to India at the present time?

**The Honourable Sir George Schuster:** The effect of the export of gold and the realisation of their holdings of gold by the people of India is this—that by falling back on their savings in that form they are able to maintain a standard of purchases of the necessities of life which they otherwise would not be able to do. The result is that in the case of India the consumption by India of goods has not declined to the same extent as the consumption of goods has had to decline in the case of other countries which rely on the export of primary products for financing their imports of merchandise. That, I submit, is of some advantage to the country.

**Mr. Lalchand Navalrai:** Is it not a fact that much of the gold exported is distress gold?

**The Honourable Sir George Schuster:** I am afraid my Honourable friend will have to enter into an elaborate explanation of what he means by distress gold before I can deal with that question.

**Mr. Arthur Moore:** Does the Honourable Member see the possibility of a small export tax on gold in order to benefit the exchequer and possibly establish a reserve for a Reserve Bank?

**The Honourable Sir George Schuster:** I can understand that an export tax on gold, if it had no effect on the export of gold, might benefit the exchequer; I do not understand what the connection between that and the Reserve Bank is. I can tell my Honourable friend that at present the proposal has not been seriously considered.

**Dr. Ziauddin Ahmad:** With regard to the term 'distress gold', has not the Honourable Member himself used this expression several times in his speeches?

**The Honourable Sir George Schuster:** I should hesitate to commit myself to any statement as to what I had on any occasion said, but if I have used the expression "distress gold", I think it must have been by way of calling attention to a popular phrase and with the intention of correcting the very misleading impression which that phrase conveys.

**Mr. S. C. Mitra:** If the present state of things continues, does not the Honourable Member think that in course of time India will be denuded of all her reserve gold? How then will she correct her balance of trade position?

**The Honourable Sir George Schuster:** The first thing that I would say in answer to my Honourable friend's question is this, that at present the quantities of gold exported represent a very small proportion of the gold



which is held in the country. The second thing that I would say is that, when my Honourable friend talks about India being denuded of her reserves of gold, he seems to imply that the gold held by private individuals is in some sense a reserve which the country has some right to claim the use of. That is a proposition which I think it is impossible to admit. Gold held by private individuals is private property and, if an individual feels that it is profitable to sell one class of his private property and invest the proceeds in some other form, I do not see that Government have any right to interfere with his doing so. Nor can I recognise that the interests of the country are thereby damaged.

**Mr. M. Maswood Ahmad:** Do Government propose to protect Indian gold by putting some export duty on gold so that the people of India may not send it outside, and, even if they send, the Indian Exchequer may be benefited?

**Mr. Arthur Moore:** In view of the high premium which has now existed for nearly 18 months on gold, has the Honourable Member any reason to suppose that a small export tax will substantially prevent the export of gold and, therefore, prevent the realisation of a considerable sum to the exchequer?

**The Honourable Sir George Schuster:** I think it will be agreed that it is very difficult to deal with questions of this kind in the form of supplementary questions and answers at this stage of the House's proceedings: it would require a proper debate to deal with it. I am prepared to admit that if the premium on gold remains high and if the export tax is very small, it might possibly result in some revenue to the exchequer and no substantial interference with the course of the export of gold. If my Honourable friend can give me any guarantee on which I should be able to rely that the premium on gold will continue to be very high, I might be prepared to consider his proposal.

**Mr. Arthur Moore:** Would it not be possible to vary the export tax in accordance with the premium so that it should really be an excess profits tax upon gold?

**The Honourable Sir George Schuster:** I think my Honourable friend's suggestion would lead to very considerable administrative difficulties.

**Dr. Ziauddin Ahmad:** Is it not a fact that the Government have not increased their gold standard reserve and is it not a proper time for the Government to take steps to increase their gold reserves in the country?

**The Honourable Sir George Schuster:** Government have, since the beginning of 1931, increased their gold reserve to some extent: they have also been able very substantially to increase their reserves held in the form of sterling securities and that I may say is one of the results of the export of gold.

**Dr. Ziauddin Ahmad:** My question was, has the Government of India increased their gold reserves in India since England went off the gold standard, that is, from the 22nd September, 1931?

**The Honourable Sir George Schuster:** I am afraid I must ask my Honourable friend to put down a question—I could not answer it off hand; I have not got in my mind what exactly has happened since 22nd September, 1931.

**Dr. Ziauddin Ahmad:** In reply to a question it was said that there had not been any increase in the gold reserves: is it not a fact?

**The Honourable Sir George Schuster:** To what reply is my Honourable friend referring?

**Dr. Ziauddin Ahmad:** One of the questions in the last Session of the Assembly in reply to which it was said that there was no increase. I want to ask, whether, since that question was answered, there has been any increase in the gold reserve?

**The Honourable Sir George Schuster:** So far as I am aware, there has been no increase since that question was put. I was not here in the last Session and I am not sure to what question my Honourable friend is referring. But, speaking without reference to the records, I think my Honourable friend is correct in saying that in the last few months in any case there has been no substantial increase in the gold holding in the currency reserve.

**Dr. Ziauddin Ahmad:** Is it not desirable for the Government of India to purchase some of this gold which is available in the market? They have only to interchange paper and gold.

**The Honourable Sir George Schuster:** My Honourable friend is raising a very complicated issue in that question. I cannot deal with it fully in answer to a supplementary question. I hope it will be possible to take another occasion in which to deal with a matter which apparently excites a great deal of interest in this House.

**Mr. H. P. Mody:** Are we to understand from the Honourable Member's replies that Government do not contemplate any sort of control over or interference with the export of gold and that they regard the continued draining away of gold as a matter for rejoicing?

**The Honourable Sir George Schuster:** Except that, as usual, I would use somewhat more cautious words in expressing views, than my Honourable friend usually indulges in, I think my Honourable friend's question fairly correctly states the Government's position at present.

**Mr. Lalchand Navalrai:** May I know how long that rejoicing will go on?

**The Honourable Sir George Schuster:** I must now take the opportunity of correcting my assent to the word "rejoicing": we do not find any particular matter for rejoicing in this circumstance, but we recognise that it has been of very great assistance to the general financial position of the country, and I say, the country, as distinguished from the Government, since some of my Honourable friends seem to suggest that Government's interests are different from those of the country.

**APPEALS TO THE POSTMASTER GENERAL, PUNJAB, AGAINST THE ORDERS OF THE SUPERINTENDENTS OF POST OFFICES.**

104. \***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Will Government state the number of appeals received by the Postmaster General, Punjab, against the orders of Hindu Superintendents and Muslim Superintendents separately?

(b) Will Government state how many of these appeals were accepted in the case of Hindu Superintendents of Post Offices and Muslim Superintendents of Post Offices separately?

(c) Will Government state if a Hindu Head Clerk has been in charge of the branch dealing with appeal cases in the Postmaster General's Office, Punjab, during the whole year 1932-33 or a major portion of that year?

(d) Will Government state if orders on all these appeals were passed by the Postmaster General, Punjab, himself or by any of the Deputy Postmasters General? Will Government be pleased to give this information both in the case of time-scale as well as of selection grade officials in the Postal Branch of the Punjab Circle?

**Sir Thomas Ryan:** (a) and (b). Government are not in possession of the information, and its collection would involve an undue expenditure of time and labour.

(c) No.

(d) Orders on appeals from Selection Grade Officials and on those relating to serious punishments inflicted on time-scale officials were passed by the Postmaster General and on other appeals by the Deputy Postmasters General.

**RECRUITMENT OF THE MEMBERS OF MINORITY COMMUNITIES TO THE SUBORDINATE ACCOUNTS SERVICE IN THE DIFFERENT ACCOUNTS AND AUDIT OFFICES IN INDIA.**

105. \***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Will Government be pleased to state their policy in regard to the appointment of the members of the various communities to the Subordinate Accounts Service in the different Accounts and Audit Offices in India with reference to the orders issued in Government of India, Home Department, Memo. No. F.-176/25-Est., dated the 5th February, 1926, regarding the recruitment of members of minority communities?

(b) Is it a fact that in some of the Accounts and Audit Offices in India clerks belonging to majority communities, some of whom even failed to pass the Subordinate Accounts Service examination previously, have been appointed against permanent vacancies accruing after the issue of the above-quoted memorandum of 1926, when passed candidates from minority communities were available?

**The Honourable Sir George Schuster:** With your permission, Sir, I will deal with questions Nos. 105 to 112 together.

The attention of the Honourable Member is invited to the replies, laid by me on the table of the House yesterday, to identical questions Nos. 1673 to 1678 asked by Seth Haji Abdoola Haroon on the 14th December, 1932.

**RECRUITMENT OF MUSLIMS AS SUPERINTENDENTS IN THE DIFFERENT ACCOUNTS AND AUDIT OFFICES IN INDIA.**

†106. **\*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Is it a fact that either there are no Muslim Subordinate Accounts Service passed Superintendents in most of the Accounts Offices in India or the number of such Superintendents in one or two offices is considerably very small as compared with the total number of sanctioned posts in the office concerned?

(b) If so, will Government be pleased to state how the vacancies occurring in the cadre of the said service in the various Accounts and Audit Offices in India since the issue of the orders of the Government of India mentioned in the preceding question were filled in and also what steps, if any, were taken to appoint Muslims to the vacancies reserved for them in pursuance of the said orders?

(c) What action do the Government of India propose to take to remedy the grave omissions in the past, if any?

**RECRUITMENT OF MUSLIMS TO THE SUBORDINATE ACCOUNTS SERVICE.**

†107. **\*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** Are Government aware that appointment to the Subordinate Accounts Service has been declared by the Auditor General to be departmental promotion for the purposes of the orders of the Government of India regarding recruitment of minority communities, and that this has affected adversely the members of the minority communities who have passed the Subordinate Accounts Service examination inasmuch as they are, in consequence of the said decision of the Auditor General, deprived of the preferential treatment allowed by the orders of the Government of India mentioned above?

**RECRUITMENT OF MUSLIMS AS DIVISIONAL ACCOUNTANTS.**

†108. **\*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Are Government aware that appointment to the establishment of Divisional Accountants (who are also under the control of the Provincial Accountants General) was previously considered as departmental promotion for purposes of the minority community rules, but the Auditor General decided in the year 1930 that the said appointments should not be so considered and that the orders of the Government of India regarding the protection of the interests of minority communities should be observed separately in respect of that establishment?

(b) Is it a fact that appointments both to the Subordinate Accounts Service and Divisional Accountants Establishments are made approximately on one and the same lines, and, if so, will Government kindly state what justification there is for the differential treatment in the case of the two establishments so far as the application of minority community rules is concerned?

**REPRESENTATION OF THE MEMBERS OF MINORITY COMMUNITIES IN THE SUBORDINATE ACCOUNTS SERVICE.**

†109. **\*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) With reference to the facts mentioned in the preceding questions and with the object of securing a fair representation of the members of minority communities, in the Subordinate Accounts Service, are the Government of India

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†For answer to this question, see answer to question No. 105.

prepared to direct that appointments to the Subordinate Accounts Service should not be treated as departmental promotion for purposes of the minority community rules?

(b) If, however, for any adequate reason, Government are not prepared to issue orders as suggested in part (a) above as standing orders, are they prepared to issue such orders subject to the condition that they will remain in force at least for such time as the communal inequalities in respect of the Subordinate Accounts Service in the different Accounts and Audit Offices are not redressed?

#### DEARTH OF MUSLIM CLERKS IN THE ESTABLISHMENT SECTIONS OF THE ACCOUNTS AND AUDIT OFFICES IN INDIA.

†110. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: Is it a fact that there is a dearth of Muhammadan clerks in the establishment sections of the Accounts and Audit Offices in India?

#### ADVANCE INCREMENTS TO MUSLIMS IN THE ACCOUNTANTS GENERAL'S OFFICES.

†111. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: Is it a fact that no Muhammadan has ever been allowed an advance increment in any Accountant General's Office in India? If so, why?

#### VACANCIES IN THE CLERICAL ESTABLISHMENT OF THE ACCOUNTANT GENERAL'S OFFICE, UNITED PROVINCES, RESERVED FOR THE MEMBERS OF MINORITY COMMUNITIES.

†112. \*Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: How is it proposed to fill up the vacancies in the clerical establishment of the Accountant General's Office, United Provinces, reserved for the members of the minority communities? Are not the members of these communities available from the men retrenched as a result of the amalgamation of Accounts and Audit?

#### RIOTS IN ADEN.

113. \*Mr. Gaya Prasad Singh: (a) With reference to the disturbances in Aden in May, 1932, has the attention of Government been drawn to a report in the *Bombay Chronicle*, dated the 16th November, 1932 (page 12) in which it is stated that in Aden "people were panic-stricken to such an extent that prominent people have been since taking extra precautions for their safety. Evening promenade for a single person along our local chowpatty (Holkat Bay) except with one or more attendants has become impossible"? Has any enquiry been made into the causes of the disturbances, and any official report issued? If not, why not?

(b) Is it a fact that about nine Jewish houses and 22 shops were entered into and looted by Arab hooligans, and about 50 Jews were injured, some very seriously?

(c) Is there any truth in the allegations made by Mr. Joseph J. Yaish in the *Jewish Chronicle*, dated the 1st July, 1932, that "El Farhi" Synagogue of the Jews in Aden was forcibly entered into, holy books

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\*For answer to this question, see answer to question No. 105.

desecrated, and the furniture smashed; that the native police, as well as the armed police, both composed of Arab units, were inefficient, and could not check the riots; that acts of violence and looting were committed before them, and they simply stood by and watched the outrages; and that several cables were despatched abroad some of which were detained by Government?

(d) Why were cables detained, and are Government prepared to point out their objectionable character, if any?

(e) Has there been any exodus of Jews from Aden, in consequence of the panic and feeling of insecurity prevailing among them? If so, what is their approximate number?

**Mr. H. A. F. Metcalfe:** (a) Government have seen a copy of the newspaper report referred to. The attention of the Honourable Member is invited to the reply given to his question No. 32, dated the 5th September, 1932. No official report was issued as all news of interest had appeared in the Press.

(b) 23 Jewish shops were broken open and property taken, but in only three or four cases was that property of any considerable value. 23 Jews received injuries. The only person seriously injured was a Moslem (a Somali).

(c) A small Jewish synagogue was entered by Moslems and a certain amount of damage done in it. The fact that no Jews were fatally or seriously injured and that more Jewish premises were not broken into was due to police protection. The police made about 120 arrests and about 60 or 70 Arabs were deported as a result of their action. The accusation that some of them stood by and watched outrages may be founded on the fact that the police guard on the Treasury and a policeman posted specially to guard the house of one of the principal Jews were under orders not to move from their posts in any circumstances. Some cable messages were detained by Government for reasons stated in reply to part (d) of this question.

(d) Cables were detained in consequence of the censorship imposed by the Chief Commissioner, Aden, under the provisions of the Indian Telegraph Act, 1885, Section 5(1) (b) which authorises the detention of messages on the occurrence of any public emergency or in the interests of public safety.

(e) Government are not aware of any exodus of Jews from Aden.

**Dr. Ziauddin Ahmad:** Is it not a fact that the root cause of this disturbance is the Balfour Convention?

**Mr. H. A. F. Metcalfe:** I have no reason to think that there is any truth in the suggestion made by the Honourable Member.

**Mr. Gaya Prasad Singh:** With regard to the answer to part (d), are Government in a position to point out the objectionable character of the messages that were detained?

**Mr. H. A. F. Metcalfe:** I understand from the Chief Commissioner of Aden, that some of the messages which it was proposed to send and which were detained contained a great amount of untrue and exciting matter.

## RIOTS IN ADEN.

114. \***Mr. Gaya Prasad Singh:** (a) Is it a fact that the petition of Mrs. Rachel J. N. Moses, Aden, dated the 5th December, 1932, to the Chief Commissioner of Aden for enquiry, under section 25-A of the Bombay District Police Act, into her claim for compensation in respect of damages to property and grievous hurt to her husband, has been rejected? If so, on what grounds?

(b) Is it a fact that no claim for compensation for damages to properties of many Jews, in Aden, which were looted during the Aden riots last year, has been allowed by the authorities? If so, why?

**Mr. H. A. F. Metcalfe:** (a) Yes. Under section 25-A of the Bombay District Police Act the procedure in cases of damage caused by riot is to determine the local area the inhabitants of which were responsible for the damage and to recover compensation from the residents of that area. In this case the majority of the offenders did not reside in Aden but came from the interior and elsewhere. They possessed no property of value in Aden and it was therefore impossible to recover any compensation from them for payment to Mrs. Moses.

(b) Yes. The Government of India accept no liability to pay compensation for losses occasioned by civil disturbances.

**Mr. Gaya Prasad Singh:** Are Government aware that about 37 Jews presented their cases for compensation under the Bombay District Police Act for properties looted, but their claims were disallowed? I have got a list of these people.

**Mr. H. A. F. Metcalfe:** They are aware of that fact, and I have just explained to the Honourable Member the reason why it was impossible to accept the applications for compensation under that particular Act.

**Mr. Gaya Prasad Singh:** Are Government aware that they did not want compensation from the Government, but only under the Act, out of the people who were found guilty of the offences of looting.

**Mr. H. A. F. Metcalfe:** That is precisely the case; but for the reasons which I have already attempted to explain in my answer to part (a) of the question, it was impossible to obtain compensation from the actual persons who were mainly responsible for these offences since none of them resided in any area to which this Act applies.

**Mr. Gaya Prasad Singh:** May I take it that the majority of the people who were guilty of the offence of looting came from the interior and that no step was taken by the local police to prevent their movements?

**Mr. H. A. F. Metcalfe:** My information is that a number of people drifted in from the interior and took part in these disturbances, 12 NOON. and that they were the people who were mainly responsible for the losses for which these Jews claimed compensation.

**Mr. Gaya Prasad Singh:** My question was what action did the police take to prevent these hooligans from coming from the interior and creating these disturbances?

**Mr. H. A. F. Metcalfe:** The Honourable Member will understand that it is impossible to prevent individuals from coming in. Many of them were probably present there before. They did whatever damage they found it possible to do and then departed in the same way as they had come.

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### STATEMENT OF BUSINESS.

**The Honourable Sir Joseph Bhore** (Leader of the House): Mr. President, with your permission, I propose to make a statement regarding the course of Government business next week. Only two days, namely, Monday, the 6th, and Tuesday, the 7th February, are allotted to Government business next week, and I propose to utilise them as follows. To begin with, on Monday, we propose to proceed with the consideration of the Children (Pledging of Labour) Bill. Thereafter there will be several motions for reference of Bills to Select Committees, in order that full advantage may be taken of the days available for the meetings of Select Committees. These Bills will include the Land Acquisition (Amendment) Bill, the Indian Railways (Amendment) Bill (relating to the proposal to give railway companies certain powers to run motor services), the Auxiliary Force (Amendment) Bill, the Wireless Telegraphy Apparatus Bill and the Indian Medical Council Bill. If time permits, on Monday, we propose also to move for the consideration of the Report of the Select Committee on the Indian Merchant Shipping (Amendment) Bill which was laid on the table on the 14th November last.

On Tuesday, the 7th, Government will move for consideration of certain small Bills, and will proceed with any business left over from Monday. The small Bills in respect of which we shall move for consideration will include the Indian Marine (Amendment) Bill, the Indian Forest (Amendment) Bill, the Indian Railways (Amendment) Bill (relating to a proposed enhanced punishment for pulling alarm cords), and the Repealing and Amending Bill. The Honourable Member for Industries and Labour will also move that the Payment of Wages Bill should be circulated to elicit opinion.

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### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Harry Haig** (Home Member): Sir, I lay on the table the information promised in reply to starred question No. 1679 asked by Mr. B. N. Misra on the 14th December, 1932.

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### DEALINGS OF PATHAN MONEY-LENDERS WITH THEIR DEBTORS EMPLOYED IN THE IMPERIAL SECRETARIAT.

\*1679. The Senior Superintendent of Police, Delhi, has so far received two complaints of molestation by Pathan money-lenders. In both cases the complainants did not desire the Police to take any action against the Pathans concerned, who were nevertheless warned not to molest them.



**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred questions Nos. 134 and 1343 asked by Mr. E. H. M. Bower on the 21st November, 1932;
- (ii) the information promised in reply to starred questions Nos. 137 and 1371 asked by Mr. D. K. Lahiri Chaudhury on the 22nd November, 1932;
- (iii) the information promised in reply to starred question No. 149 asked by Mr. Gaya Prasad Singh on the 28th November 1932;
- (iv) the information promised in reply to unstarred question No. 204 asked by Pandit Satyendra Nath Sen on the 21st November, 1932;
- (v) the information promised in reply to starred question No. 1534 asked by Pandit Satyendra Nath Sen on the 5th December, 1932; and
- (vi) the information promised in reply to unstarred question No. 75 asked by Mr. N. M. Joshi on the 27th September, 1932.

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#### QUALIFICATIONS FOR APPOINTMENT AS TRANSPORTATION INSPECTORS, COMMERCIAL, ON THE EAST INDIAN RAILWAY.

\*1342. (a) Yes. Men appointed to such posts are required to have practical experience in Goods duties as well as general knowledge of Coaching duties.

(b) The candidates are required to pass an examination in goods and coaching working, known as the "Goods Accounts Examination".

(c) Such men may, if necessary, be put through a refresher course if and when they work as Transportation Inspector, Commercial.

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#### QUALIFICATIONS FOR APPOINTMENT AS CHIEF CLAIMS CLERK IN THE OFFICE OF THE DEPUTY CHIEF COMMERCIAL MANAGER, EAST INDIAN RAILWAY, CALCUTTA.

\*1343. (a) The qualifications required are, special aptitude for Commercial work, intelligence and education with ability to guide, direct and control the staff subordinate to him.

(b) Not necessarily.

(c) No.

(d) None. But preference is given to men who have passed the Goods and Coaching Accounts Examinations and also possess qualifications as stated in reply to part (a).

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#### ALLEGED CALLOUSNESS OF THE EAST INDIAN RAILWAY AUTHORITIES.

\*1370. (b) and (c). The Agent of the East Indian Railway reports that a full investigation into the case had already been made by him. The facts of the case are that a third class passenger named H. C. Bhattacharjee was injured between Etawah and Cawnpore while travelling by 8 Down Express. The injuries were of a simple nature consisting of a lacerated wound on the lower part of the right leg and scratches on the right knee. It is apparent from the nature of the wounds that the passenger was sitting or lying with his legs out of the window and it is probable that he was injured as a result of the legs having come into contact with an open wagon door.

### RENDERING OF FIRST AID TO INJURED PASSENGERS ON STATE RAILWAYS.

\*1371. (a) Yes. First Aid equipment is carried by guards on all passenger trains.

(b) The Agent of the East Indian Railway reports that neither the passenger nor his friends informed any railway official of the injury until the train reached Cawnpore when First Aid was offered to the injured person by the Platform Assistant there and he was asked to detain for Medical treatment but declined to do so and insisted on travelling by train.

(c) At Allahabad a Railway doctor attended the train and re-dressed the wound which had been originally bandaged by a fellow passenger and asked the man to get down so as to receive proper medical care and attendance at the Allahabad Railway Hospital but he refused to do so. At Moghalsarai the patient allowed his injuries to be attended to but refused to alight from the train. At Gaya again the patient refused to leave the train for Medical treatment.

(d) Such arrangements are already in force.

### SUPPLY OF WINTER UNIFORMS TO THE ANGLO-INDIAN TICKET COLLECTORS ON THE NORTH WESTERN RAILWAY.

\*1491. (a) and (b). The Agent, N. W. Railway, reports that the Dress Regulations of the Railway have recently been revised and in many categories uniforms formerly provided yearly are now provided biennially as a matter of economy. When this revision was originally made the scale for Indian Ticket Collectors was changed, and not that of the European Ticket Collectors, but as soon as the Agent noticed this discrepancy he gave orders that the New Regulations should prescribe winter uniforms biennially for all Ticket Collectors instead of annually as in the past.

### INTIMIDATION OF EMPLOYEES SEEKING REDRESS OF GRIEVANCES THROUGH THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

204. The Agent, Bengal and North Western Railway, reports as follows :

(a) This is not a fact.

(b) (i) Injury resulting in the total failure of one eye was sustained by Chhedi, fitter, on the 22nd November, 1930.

(ii) The fitter resumed duty on 2nd February, 1931, under a fit certificate.

(iii) The fitter was allowed to resume and continued work for about six and a half months as a fitter before it was ascertained that he was no longer fit for this particular employment.

(iv) The case for compensation was represented by the Association to the Agent.

(v) No reply was given by the Agent as the Agent does not enter into correspondence with the Association in matters concerning individuals.

(vi) Compensation was paid on the 17th August, 1931, through the Commissioner for Compensation under the Workmen's Compensation Act.

(vii) The fitter was paid off on the 20th August, 1931.

(viii) This case was not open to reconsideration as, owing to this man having lost an eye he was, under the Medical rules of the Railway, not up to the standard of eyesight required for the post of fitter. As there was no vacancy in any category to which this man was eligible it was not possible to retain him in employment and he was accordingly settled up.

(ix) The Agent wrote to the Commissioner to the effect that the fact that the fitter having lost an eye rendered him no longer fit for employment as a fitter, in which capacity he was previously employed and that as there were no vacancies available in those categories to which a one-eyed man might be appointed he was discharged from service.

(c) A fit certificate was granted in this case by the Principal Medical Officer to certify that the injuries had healed and that, from a purely medical point of view, Chhedi *was again physically able to resume work*, but the issue of this certificate did not imply that the loss of the eye would not preclude the man from working as a fitter.

As regards the reply to the second part of the question, the Honourable Member is referred to the reply given to part (b) (iii) of the question.

(d)(i) Injury resulting in the total failure of one eye was sustained by fitter Ali Jan, on the 7th August, 1931.

(ii) and (iii). The fitter resumed duty on the 24th September, 1931, under a fit certificate and worked as fitter until the 4th November, 1931, when he was discharged. In the meantime his accident compensation claim had been prepared and submitted to the Commissioner, and he was discharged as no other suitable occupation in which a single eyed man could be placed without endangering himself was available.

A communication was received from the Bengal and North Western Railwaymen's Association representing his case for compensation, but the case had already been submitted to the Commissioner.

### HOURS OF EMPLOYMENT OF ELECTRICIANS, TRAIN EXAMINERS, ETC., UNDER THE DIVISIONAL SUPERINTENDENT, HOWRAH, ON THE EAST INDIAN RAILWAY.

\*1534. The Agent, East Indian Railway reports as follows :—

(a) The Electricians on the Howrah Division are classed as continuous workers under the hours of employment Rules and are rostered to perform 56 hours duty every week (or 9 hours 20 minutes daily for 6 days in a week). The train Examiners on the Howrah Division are classed under different categories according to the nature of their duties. When classed as Intermittent workers they have different hours of employment within the prescribed limit of 84 hours per week. When classed as continuous, their hours of employment vary between 48 and 56 hours which is within the prescribed limit of 60 hours a week averaged over a month, for continuous workers.

(b) The working hours of the classes of staff mentioned vary on different Divisions as the men work to rosters to suit local conditions. Further in the case of Electricians, there are three provided on the Howrah Division while there are two on the Dinapore Division. The daily working hours of these staff on these Divisions are different but the total working hours per week averaged over a month in the case of these men who are classed as continuous workers are 56.

The hours of duty of the Train Examiners must necessarily vary from the Electricians as their duties are different. There are some Train Examiners who owing to the nature of their duties are classed as intermittent while there are others who are classed as continuous.

So long as the total working hours in any week do not exceed 84 in the case of intermittent workers and the total weekly working hours averaged over a month do not exceed 60 in the case of continuous workers there is no infringement of the hours of employment rules.

### CONFIRMATION OF CERTAIN ANGLO-INDIAN OFFICERS ON THE GREAT INDIAN PENINSULA RAILWAY.

75. (a) and (b). The number of Anglo-Indians confirmed as officers in 1931 is three. All of them were confirmed in the Lower Gazetted Service and are not eligible for the Lee Concessions.

(c) and (d). Out of the subordinates confirmed in 1931 in the Superior Service, four have been admitted to the Lee Concessions and all the four registered their nationality as 'European' on first entering the service.

(e) The Agent Great Indian Peninsula Railway reports that he is not aware of any such case.

(f) Does not arise.

(g) The passage concessions to non-superior officers of non-Asiatic domicile were sanctioned with effect from the 1st April, 1930.

**Mr. H. A. F. Metcalfe** (Foreign Secretary): Sir, I lay on the table the information promised in reply to starred question No. 1569 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 5th December, 1932.

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**UNQUALIFIED PERSONS APPEARING FOR LITIGANTS AS LEGAL PRACTITIONERS  
IN AJMER-MERWARA.**

\*1569. Formerly some such abuse of the system of "recognized agents" as is indicated in the question did come to light in the Ajmer-Merwara district. To remedy this, Section 21 of the Ajmer Courts Regulation, 1926, was amended by the Ajmer Courts (Amendment) Regulation, 1932. The only persons now allowed to appear as recognised agents in addition to those specified in the Civil Procedure Code, First Schedule, Order III, Rule 2, are :—

- (a) persons specially employed to act as agents of Istimrardars or Jagirdars and
- (b) Vakils or other persons authorised to act for Princes or Chiefs.

No complaints are now being received and no further action is required.

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**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I lay on the table the information promised in reply to starred question No. 1601 asked by Shaikh Fazal Haq Piracha on the 6th December, 1932.

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**PROVISION OF PROPER DRAINAGE IN KAROL BAGH, DELHI.**

\*1601. (a) and (b). There are no drains in the Karol Bagh area and the lane referred to by the Honourable Member is in much the same condition as other lanes in that area.

(c) Yes.

(d) Yes, but unless sewers are laid along the main roads and satisfactory arrangements made for the disposal of sullage and storm water, the mere construction of drains along any particular lane will not serve any useful purpose.

(e) Government are aware that action has not been taken because of lack of funds. As Honourable Member is aware, the present financial stringency is responsible for the holding of many measures, as urgent and as important as the one to which he has referred. As soon as the financial situation improves, the requirements of Karol Bagh will receive consideration along with other urgent projects.

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**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I lay on the table the information promised in reply to starred question No. 1494 asked by Mr. M. Maswood Ahmad on the 28th November, 1932.

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**TRANSFER OF POSTAL OFFICIALS AFTER A TENURE OF THREE YEARS.**

\*1494. (a) Of 12 head clerks in Circle Offices who have been holding their present posts for over three years, seven are Hindus.

(b) Yes.

## THE INDIAN INCOME-TAX (AMENDMENT) BILL.

**Secretary of the Assembly:** Sir, under Standing Order 78, I have to report that three petitions as per statement laid on the table have been received relating to the Bill further to amend the Indian Income-tax Act, 1922, which was introduced in the Legislative Assembly on the 18th February, 1932, by Sir Hari Singh Gour.

*Petitions relating to the Bill further to amend the Indian Income-tax Act, 1922, which was introduced in the Legislative Assembly on the 18th February, 1932.*

| Number of signatories. | District or Town. | Provinces. |
|------------------------|-------------------|------------|
| 28                     | Barisal . . . . . | Bengal.    |
| 9                      | Hooghly. . . . .  | Bengal.    |
| 20                     | Malda . . . . .   | Bengal.    |
| 57                     |                   |            |

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, as the first three motions stand in my name, may I crave your indulgence and the indulgence of the House to move item No. 2, namely, that the Bill further to amend the Indian Income-tax Act, 1922, be referred to a Select Committee. I do so, because I think that it is likely to take a very few minutes, and then we can go on with the first and the third items. May I do so?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member's request necessitates a variation in the result of the ballot. If that request meant an infringement of the rights of other Honourable Members, the Chair could not agree to such a procedure, but in this particular case the Chair does not see any objection to granting the request of the Honourable Member, and I take it that the House has no objection.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): No, Sir; we have objection. Either my friend should give up his right to move the first motion, or . . . . .

**Pandit Ram Krishna Jha** (Darbhanga *cum* Saran: Non-Muhammadan): I also object.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I would ask Honourable Members who object to this procedure to kindly stand in their seats.

**Mr. Amar Nath Dutt:** Sir, I understand that even if one Member objects . . . .

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** I do not think that the Chair is bound to uphold the objection of even one Honourable Member in a case of this nature. As I made it clear, if the request of Sir Hari Singh Gour meant an infringement on the rights of any other Honourable Member, the Chair could not agree to accede to such a request, but since the first three motions on the Order Paper stand in the name of the Honourable gentleman, the Chair does not think that the granting of that request would infringe on the rights of any other Honourable Member. I, therefore, took it for granted that the House would have no objection, but if I find that there is a very substantial volume of opinion in the House that is opposed to such a procedure, then the Chair will be bound to respect that feeling.

**Mr. Amar Nath Dutt:** May I point out, Sir, that it infringes on the rights of the other Members in this way. My friend can either move this motion or he can say that he will not move it at all today and he loses his right, but if he wants to have both these things afterwards, that is a procedure to which I object, and I think the Chair will consider that it infringes on the rights of other Honourable Members, because we want to have a decision on this matter now. The Honourable gentleman now finds that he cannot proceed with the Bill for dissolution of marriages with success, and, therefore, he wishes to wait for the time when it can be easily passed by the presence of more heterodox Members. I, therefore, submit that under these circumstances the Honourable Member should be asked to go on with the Bill for the dissolution of marriages now as it is first on the list.

**Pandit Ram Krishna Jha:** Sir, I support the objection.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Will Honourable Members who object to this procedure kindly stand in their seats?

(Only a few Members stood in their seats.)

I do not think that there is any substantial volume of opinion, and I, therefore, allow Sir Hari Singh Gour to proceed with the second motion standing in his name.

**Sir Hari Singh Gour:** Sir, very few words are necessary to commend this motion to the acceptance of this House. The motion that I wish to make is as follows:

"That the Bill further to amend the Indian Income-tax Act, 1922, be referred to a Select Committee consisting of the Honourable the Finance Member, Diwan Bahadur Harbilas Sarda, Mr. Gaya Prasad Singh, Mr. Amar Nath Dutt, Mr. C. S. Ranga Iyer, Sardar Sant Singh, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. B. V. Jadhav, Mr. R. T. H. Mackenzie, Rao Bahadur S. R. Pandit, Raja Bahadur G. Krishnamachariar, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Honourable Members will remember that when, on the last occasion, I moved for the appointment of a Select Committee and when the motion for circulation was carried, I made it clear that I did not stand committed to the draft of the Bill which I had asked the Secretary of the Legislative Department to re-draft for me in accordance with the main principle of

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my Bill which I then stated to be that there should be some popular control in the matter of assessments and that an appeal to a tribunal unconnected with the taxing authorities should lie against all assessments. I understand that the Honourable the Finance Member is sympathetically disposed to the second principle of my Bill. In these circumstances, subject to the views of my Honourable colleagues in the Select Committee, I should be quite prepared to compromise with him. I, therefore, ask that the House should send this Bill to the Select Committee for such revision as it might think proper to make. All that we have been fighting for is that the taxing authorities should not sit in appeal over their own assessments, and that is a principle which has been supported by a large body of public opinion, and, as I understand, the Honourable the occupant of the Treasury Benches is not opposed to this very elementary principle which I have been advocating in this House, I move the motion that stands in my name.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Income-tax Act, 1922, be referred to a Select Committee consisting of the Honourable the Finance Member, Diwan Bahadur Harbilas Sarda, Mr. Gaya Prasad Singh, Mr. Amar Nath Dutt, Mr. C. S. Ranga Iyer, Sardar Sant Singh, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. B. V. Jadhav, Mr. R. T. H. Mackenzie, Rao Bahadur S. R. Pandit, Raja Bahadur G. Krishnamachariar, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhaminadan Rural): I strongly support this Bill as I did it on the last occasion. After we had spoken then, Sir Alan Parsons delivered a speech for which, in the usual course of things, we had not a right of reply. What I cannot understand still from the tenor of his speech is what really is the attitude of the Government to the most important provision in this Bill. Sir, we do not want any revolutionary changes. We do not want that the Government should not levy this income-tax even if it went to the extent of a pound of flesh and more. All that we want is that when you bleed us, bleed us in such a manner that you might get what you want and we might still live to create more blood for you so that you might bleed us again. What happens at present is that the income-tax officer, whose official life depends practically on the largest number of collections that he is able to make, is himself the judge. This pernicious system has crept in every new legislation that is brought in, and the latest is this Income-tax Act. The most important provision, as I understand the Bill—I have not read it very carefully—is that the man who has to decide finally what should be the income-tax that an assessee should pay, ought not to be the person whose duty is to assess and earn his reputation as a very efficient income-tax officer. You know that the test of efficiency in the Government is the amount of money that a man can collect for the Government. It is the same in the revenue department, it is the same in every department where Government collect money. The most curious instance that took place was during the floods of 1924 in Southern India. There was a huge flood in the river Coleroon, in which 18 feet of water ran and it had almost touched the top of the flood bank. I happened to own some valuable lands next to the flood bank, and I

wrote to the divisional officer to send some of his men to watch the bank so that it might not burst. I never had a reply. We had to put up a gang of our own who slept there day and night, but fortunately the flood subsided and we were saved our lands. Some time later, I met the Superintending Engineer and complained to him how the overseer or the divisional officer neglected his important duty and excused himself by saying that he had some trees to auction—some of the jetsam and flotsam that come in these floods. The Superintending Engineer said that, like the wise man that he is, the divisional officer adopted the course he did as thereby he got some money for the Government while by watching our bund he would not have been able to make any money at all and, therefore, would not be able to show his efficiency. Of course, he was joking with me, but that is the real mentality of these officials. What we want is, by all means take the money that you want, but take it in a reasonable and judicial manner. Take it in a way that would be just both to you and to us. That is the real point, and it is impossible for any reasonable man to imagine how Government can oppose it. However, they have opposed it, they have chosen to oppose it, but God willing, we hope to get it through in spite of the opposition of the Government. Sir, I support the motion.

**The Honourable Sir George Schuster** (Finance Member): With your permission, Sir, I would like to intervene at this stage to make a very short statement as regards my own position in the matter. I trust that I shall also have the opportunity, if this debate goes on, to reply more fully, but I think it is right that I should let the House know at once before the discussion continues, as to what the Government's attitude on this matter would be.

Our attitude as regards the Bill, as it was originally drafted, is that we must entirely oppose it in that form. Since my Honourable friend moved his original motion at the Simla Session, the Bill has been circulated and we have received a great body of opinions. I think I may claim that the vast majority of those opinions is against the Bill in its present form, but I am prepared to concede that there runs through a great many of the opinions that raise very strong objection to the Bill in the form in which it stands now—there runs through those opinions a line of thought which indicates that there is a feeling in the country that some sort of measure is required which will give an outside check on the working of the income-tax officials. I do not wish in what I say now to be drawn into any discussion of the merits of that feeling. I should have a great deal to say in answer to much that has been said or is likely to be said in the House on this Bill if the debate were allowed to proceed, so that I do not wish my silence on that matter to be interpreted as acquiescence with the charges that have been made against the income-tax administration. What I do want to say is this, that we do not want to disregard what we feel ought to be accepted as a strong expression of opinion. The mere fact that this Bill itself received the support of 54 Members of the Assembly naturally influences us a great deal, and I have been trying, in the short time which has been available since the opinions were all received, to consider whether there is any way in which we could meet what I am prepared to agree is a fairly strong expression of opinion. Now, there is one opinion among those which we have received—the opinion of the Bombay Society of Accountants and Auditors—which makes a proposal which I am willing to say that Government would be prepared



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sympathetically to consider. It is a proposal for the constitution in each province of a final tribunal of appeal. The suggestion is that there should be a tribunal in each province to be composed of three referees only, two referees being of the rank of High Court Judges and the third referee being of the rank of the Commissioners of Income-tax. The opinion goes on as follows:

"The referees should be appointed, transferred or removed only by the Secretary of State in Council on the recommendations in that behalf of the Chief Justice of the High Court of the province concerned. The tribunals thus composed shall be judicial bodies specially meant for adjudicating upon all questions of facts and law arising from the Income-tax Act and they shall not be under the control of the Central Board of Revenue, but shall be under the control of the High Courts of the respective provinces or under the Supreme Court in India whenever the same is established. Any proceedings before the proposed tribunals shall be deemed to be judicial proceedings under the law of the land."

Now, there are a great many points in that particular proposal which would of course require very careful consideration. There are many details of those provisions which I should not be prepared now to say that we should accept in any unqualified way, but the main idea is that there should be this final tribunal of appeal, a tribunal composed not of laymen but of highly qualified individuals. Now, if the feeling of the House were that that is the sort of measure which they require and that the constitution of tribunals of this kind would give them that sort of outside check on the operations of the income-tax officials, then, as I have already said, I think the Government would be prepared sympathetically to consider a proposal on those lines. But there are certain difficulties in the way of translating this attitude on the part of the Government into conduct in relation to this particular Bill. We have felt that as it stood we must absolutely oppose the principle of the Bill and, for a statement on the principle of the Bill, I must refer to what my Honourable and learned friend said when he was originally moving the consideration of the Bill. He said there that he and his friends who had sponsored the measure had two main objects in view. One is that over all assessments there must be some measure of popular control and, secondly, that against an assessment an appeal should lie to and authority unconnected with the assessment. Now, I think that what I have said shows that the Government attitude could be brought into accord with the second object, but if it is part of the principle of my Honourable friend's Bill that there should be some measure of popular control and if those words are taken to mean what on the face of them they must mean, then I am afraid we must oppose the principle of the Bill, because we feel that any attempt to introduce popular control in the form of adding a number of laymen to the work of the officials in the early stages of assessment would create an absolutely impossible situation and one which would be administratively unworkable. But if the principle of the Bill is no more than what is referred to in the second object, namely, that that principle would be satisfied by the setting up of some sort of tribunal, such as I have described as an ultimate court of appeal, then we can say that we are not necessarily in disagreement with the principle of the Bill.

Now, Sir, I should have very much preferred in these circumstances if we were to proceed on the lines which I have said that Government

will sympathetically consider that my Honourable friend would have agreed to withdraw his Bill and introduce another Bill which might closely approximate to what I have in mind. My Honourable friend, I think, is anxious to get on with this matter and he feels that such a course would involve considerable delay. My view on that is this, that if we are quite certain, if my Honourable friend makes it quite certain that he is not going to press in Select Committee for the retention of a measure on the lines which he has now drafted, but that he would come into line with me and attempt to work out a measure on quite different lines which would aim at setting up this tribunal that I have described, then I should not object to this measure going to a Select Committee. But we must have that very clearly understood and when I say that I think I may claim that that would be the attitude not only of the Government but of a great many other Members of this House.

There is one other point which I must make absolutely clear and that is that if the Bill were to be so altered from its present shape as to be transformed into a Bill for setting up these final tribunals, then we feel very strongly that it would again have to be circulated for opinion. We feel that it would be absolutely essential that the High Courts, for example, should have an opportunity of expressing their opinion on the matter. There are many technical questions involved, particularly as regards the relations between these tribunals and the High Courts and we could not possibly commit ourselves to supporting the Bill without ample opportunity being given for further expression of opinion. There is only one other point I think I need add; that is this. The actual proposal in the opinion that I have quoted is for the constitution of tribunals in each province. If that proposal were to be adopted, the cost would be very considerable. If there are to be three officers of the standing referred to as members of each tribunal, I think we may say that the annual cost of each tribunal would be something like 1½ lakhs and if there is to be a special tribunal of that kind for every province, the total cost will be, as Honourable Members can calculate, something like 14 or 15 lakhs for the whole of India. We do not think that would be necessary or that that course would be justified. If this proposal is to be proceeded with, and if we find, on further examination, that we can support it in its final form, then I think I may say that we will certainly take the line that, at any rate to start with, the provinces should be amalgamated for this purpose, and that there should be not more than, say, four tribunals for the whole of India. Our own belief and the advice that I have received from the officers of the Department, who are very experienced in this matter, is that appeals, from the tax-payer's point of view, to a tribunal of this kind would not be very frequent, and that the work would not require the setting up of a tribunal for each province. But I must make it clear to the House that if they intend to support the proposal on these lines, it will involve some additional expense—not expense in the region of crores such as my Honourable friend's proposal would have meant—but expense on the scale of six lakhs or so as the immediate cost of tribunals, and, secondly, some fairly considerable additional expense in the case of the Income-tax Department, because it will be necessary, if this procedure is adopted, to follow a much more elaborate process for the recording of evidence in the early stages of the discussion of assessments. That, Sir, is the Government's position; and if my Honourable friend can make his own position clear, and, after having made it clear, if we are satisfied that it is in accord with our

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own position in the matter and if my suggestion commends itself generally to the House, then I am prepared to say that we should see no objection to this Bill going to a Select Committee. I hope the House will recognize that in taking this line I am doing my best to meet what I believe to be a generally felt feeling, but I do not in any degree resile from my position with regard to my Honourable friend's original Bill or from my dissent from the charges that in the early discussions have been made against the officials of the Income-tax Department.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I do not propose to discuss the efficiency or the reverse of the Income-tax Department. I would certainly have induced the Mover of the Bill to withdraw the present Bill and present a new one as suggested by the Honourable the Finance Member had it been possible to achieve the object within the Session, but unfortunately the procedure is so complicated that it will practically mean the withdrawal of the Bill altogether. Now I consider two principles to be the important principles of this Bill, and we on this side of the House would always press these two principles. These two principles are that the question of income-tax ought not to be regulated by confidential circulars and confidential instructions. Now, these instructions, whatever they may be, issued to these officers ought to be public property and the Members of this House should have the opportunity to discuss them from the point of view of the tax-payers. The second principle to my mind is that if there be any appeal against the action of a certain officer, then the appeal should be heard by an independent person, and it should not be heard by the same person or by persons sharing the same interest. I press it in the interest of justice, and this is the practice in other Departments. How it can be achieved, is a question of detail which we might discuss in Select Committee. If the Honourable the Finance Member has no objection to these two principles which I have enunciated, then I would request him to withdraw his objection and to allow this Bill to go to a Select Committee.

**Sir Hari Singh Gour:** Sir, I am very grateful to the House for giving my Bill such a great and sympathetic reception. I am also grateful to the Honourable the Finance Member for giving me at any rate half a loaf, which is better than no bread. Sir, as I said at the outset of my speech on the last occasion, the two underlying principles for which I have been struggling are the principle that there should be some measure of popular control over all assessments, and, secondly, that all assessments should be open to appeal before a tribunal unconnected with the assessing Department. My Honourable friend, the Finance Member, is prepared to accede to the second principle, but he is not prepared to accede to the first principle. I think that he and I would perhaps be at one if I made it clear that the words "popular control" are a red rag to Members with a bureaucratic turn of mind. The moment you utter the word "popular", they open their mouth and raise up their hands in holy horror and they say, "if there is a popular control, where shall we be?" Well, Sir, you can ensure a popular control by having an independent tribunal which would be popular with the people, and you may have a control which would be unpopular with them. In asking for some measure of independent control, I did not necessarily mean that the control should be drawn from the market place. I meant that the control should be of a

detached and independent man or men who would be able to see that the assessee as well as the State both got fair play. In asking for that measure of justice and equity, I was drinking from the fountain of English law under which the general Commissioners are primarily and solely responsible for all assessments. In point of practice, because there is a salutary check, the hidden hand of the general Commissioner, the surveyor and the inspectors are careful and it happens that the mere fact that they are there operates as a very salutary control upon the vagaries of the permanent staff of the Department; and I have been assured that in England the general Commissioners, who sign all forms and under whose imprimatur assessments are levied and enforced, very rarely intervene with the surveyor's reports; and if such a system of control were instituted here, I am quite sure that the mere fact that they are there would be a sufficient check against the assessing Department exacting from the assessee whatever they could get. But as the Honourable the Finance Member says that some measure of control by way of appeals to a tribunal unconnected with the assessing authority is acceptable to him, I am quite ready as I have said to accede to his request that the Bill should go to a Select Committee for consideration of that control. The Honourable the Finance Member has given away his whole case by saying that if there is some control by a body independent of the assessing Department, then the income-tax officer would be more careful and record evidence more carefully and, may I add, also decide more equitably (Laughter), because he is afraid that his assessments would be subjected to an appeal to a detached and independent body. (Hear, hear.) And that is what we are fighting for and that is a point upon which there is a substantial body of public opinion in our favour, so that that point, at any rate, is clear.

Now, as regards the question of re-circulation, we cannot anticipate what the Select Committee will decide. We have a very strong Select Committee representative of all views and of all bodies. The Finance Member would be there and if it is the general wish of the Select Committee that the Bill has been so revised and so radically altered as to need re-circulation, I shall certainly not stand in the way. But I will only ask the Select Committee, as I am asking this House, that we are almost at the end of our tether. This is the last year and, perhaps, in the ordinary course, there would be a dissolution and I should, at any rate, like to pronounce my final benediction upon this Bill and see that it is transferred to the Statute-book before I lay down my office, and I am quite sure that Honourable Members on this side who are co-signatories with me are equally anxious that without the least possible delay this long-delayed measure of justice to the tax-payer should find its place on the Statute-book.

The last point that the Honourable the Finance Member raised was a question of cost, which is a mere flea-bite. The Honourable the Finance Member said that it would mean four tribunals and six lakhs of rupees. Now, what is the 6 lakhs of rupees when the tax comes to something like 20 crores of rupees? Well, Sir, the question of cost is not an impediment in the further progress of this Bill and I am quite sure that with the explanation that I have given and with the concession that has been made by the Honourable the Finance Member we shall now form ourselves into a happy family and go to the Select Committee and set our seal upon this much belated and long expected measure of public reform. (Applause.)

Sir, I move.

**The Honourable Sir George Schuster:** My Honourable friend has put me in something of a difficulty. I do not think that his reply—and I hope he will not take it amiss if I say this—has been an exactly fair response to my speech. He has imported a good deal of prejudice into this matter now and tried to make debating points out of the statement which I made. There are, moreover, certain points which do not appear to have been quite clearly understood in what I said. I said that the Government were prepared to give sympathetic consideration to a proposal made in one of these opinions, the proposal made by the Indian Society of Accountants and Auditors of Bombay. That proposal, as I thought I made it clear to the House, provided for the setting up of tribunals which would form ultimate tribunals of appeal, but it did not involve making any alteration in the present procedure by which cases would be heard until they came up to the Commissioner. The appeal to the tribunal would lie through the Commissioner and, before that stage was reached, the same procedure would be carried on as is now carried on. All that would happen is that there would be recourse to an ultimate court of appeal.

**Sir Hari Singh Gour:** I think I made it clear to the Honourable the Finance Member that I was agreeable to the suggestion that has been made by the Honourable the Finance Member and I call that half a loaf, namely, the suggestion that there should be an assessment and that the assessment should be subject to an appeal by tribunal unconnected with the assessing authority.

**The Honourable Sir George Schuster:** Provided my Honourable friend is clear on that point and the House is clear on that point that the proposal which we are prepared sympathetically to consider would merely be this that it will bring in at the end a court of appeal in the form of these tribunals, then there is no misunderstanding. But the speech made by my Honourable friend, Dr. Ziauddin Ahmad, seemed to convey a contrary impression. I think his idea was that there should be some change in the hearing of cases before they reached the stage of the Commissioner. There must be no misunderstanding on that. If the principle of the Bill is understood to be this that there would be any change in the procedure in the lower stages, then I am afraid the Government must oppose the Bill. That, Sir, is a point about which there should be no misunderstanding. My Honourable friend, Sir Hari Singh Gour, also misrepresented my position when he said that I had given away the case by admitting that the recording of evidence would in future cost more money.

**Sir Hari Singh Gour:** No, Sir, I never said that. My friend probably did not understand me aright. I was only stating that the first point which I was conceding was amply met by the statement of the Honourable the Finance Member that because there will be an appeal against the final assessment, the income-tax officer would be more careful and record more evidence before making the assessment.

**The Honourable Sir George Schuster:** Very well, I think, I may now take it that my Honourable friend did not mean to be offensive, and I am quite prepared to take that from him. I wish to make it clear, however, that what I said was not meant to imply that in future evidence would

have to be more carefully taken. All that I said was that the recording of evidence would have to be more formal and, therefore, more expensive. That is the position.

Now, Sir, I think the position of the Government is perfectly clear on this matter and, on that understanding, after what my Honourable friend has now said by his interpellations to my final remarks, I think I may take it that he agrees with me and that he will agree with me in the Select Committee in supporting a Bill which aims at no more than this, the setting up of a final court of appeal in the shape of tribunals constituted somewhat on the lines proposed in the opinion of the Indian Society of Accountants and Auditors of Bombay.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muham-madan Rural): Others do not agree.

**The Honourable Sir George Schuster:** Well, Sir, my Honourable friend, Mr. Mitra, has said: others do not agree. In that case, I think I may take it that the opinion of the House is not in favour of supporting the measure in the form in which the Government could accept it and that they regard the principle of the Bill as going further than my Honourable friend who has moved the Bill has said. In that case I am afraid the Government must oppose the Bill going to the Select Committee. There must be no misunderstanding about this. I have tried to arrive at a result rather than to spend the time of the House in debating a subject on which I thought it might be possible to reach an agreement. If it is not possible to reach that agreement, the Bill, I think, must then follow the normal procedure and Government must make their case clear on this matter. I feel, however, that if I were now to enter into the sort of argument which I would have used in opposing the Bill as it stands, I would put my Honourable friend, Sir Hari Singh Gour, in somewhat of an unfair position, because he has exhausted his right of reply. I, therefore, would make this suggestion to you, Sir, that you would adjourn the House now and allow us to discuss the matter a little further outside the House in order to see whether we can clear up what appears to be the point of difference. If that suggestion commends itself to you, I would do my best to clear up the matter and carry on on the lines that I thought would originally commend themselves practically to the whole of the House. But we cannot allow ourselves to be put into a false position in this matter. If, in order to arrive at an agreement which, I think, will meet what I believe to be a strong feeling in the country, we are prepared to adopt the rather informal procedure of discussion before it goes to the Select Committee, I should do so because I wish to do my best to arrive at an agreement and meet the needs of the country without getting into a political controversy or wasting the time of the House. But if there is any doubt about it I must stand on my strict rights and ask for the right fully to represent the case of Government to the House. I must then oppose the motion for sending this Bill to Select Committee and I believe I shall receive the support of the majority of the House in that attitude. That, Sir, is my position. If you are prepared to consider the suggestion that I have made, it may provide a solution.

**Dr. Ziauddin Ahmad:** Sir, on a matter of personal explanation, I said very clearly that the principle of the Bill was that the appeal should lie to an independent authority. We are not going to oppose what the

[Dr. Ziauddin Ahmad.]

Finance Member has just suggested, but the thing that we suggest is that the Select Committee should be permitted to consider every possible manner in which the appeal could be made and not be confined to one particular manner of appeal to which reference is made. We cannot visualise it at present, and I think it should be left to Select Committee to consider what is the most practical and expeditious way of providing an appeal to impartial authority.

**Mr. H. P. Mody** (Bombay Millowners' Association: Indian Commerce): Sir, it is very unfortunate that my Honourable friend, Sir Hari Singh Gour, should never rise above the temptation of making debating points, and I for one would be very sorry if the Honourable the Finance Member were to take him seriously when he was expounding the proposition that popular control was not really popular control. I think we ought to get away from these dialectical points and we ought to realise exactly what it is that we are asking the House to do at the moment. It is true enough that this Bill goes a great deal further than my Honourable friend, the Finance Member, is prepared to allow. But I think it is equally true that most of us,—and I mean even those who appended their signatures to the Bill,—realise that we cannot stick out for the whole of it. After all, what is it that the public desires, and to which this Bill is seeking to give expression? What the public desires is that those very people who are assessing to income-tax should not be also the judges when the public goes in appeal against the assessment. That really is the principle of the Bill, and I for one would be amply satisfied if all that was achieved by this Bill was some measure of control,—whether you call it popular control or unpopular control I do not care,—over the assessing authority, and that can be done by setting up an appellate tribunal. It may be a tribunal such as the Accountants' Society has suggested or it may be some other tribunal. All that we are concerned with is some tribunal which would independently arrive at a decision in respect of matters of assessment. The technical position is of course true that this House cannot lay down what the Select Committee should or should not do. But I think it is only fair to Government that those of us who have applied their minds to the subject and who take an interest in it should say right out here that we do not want that anything more should be achieved than that an independent appellate authority should be set up over income-tax assessment. And I think my Honourable friend, Sir Hari Singh Gour, realised when the Finance Member got up to speak a second time that he was unwise in making these debating points, and that he had given rise to a great many misunderstandings. I hope my Honourable friend, the Finance Member, will now realise that there is no room for misunderstanding and that the desire of most of us is that we should not tinker with the procedure of assessment, but that we want only to deal with the process of appeals. If that understanding is conveyed clearly to Government, I hope Government will immediately concede that this Bill should go to the Select Committee.

**The Honourable Sir George Schuster:** Sir, on the explanation of the position which has just been given by my Honourable friend from Bombay, I myself should raise, on behalf of Government, no objection to this Bill being discussed in Select Committee. I think the House is now

quite clear as to what our position is and I think my Honourable friends opposite have made their own position sufficiently clear to justify us in hoping that it will be possible in Select Committee to arrive at a Bill which Government will be able to support. If that is not possible, of course we shall have to oppose every clause of the Bill which emerges from the Select Committee.

**Mr. Deputy President:** The question is :

"That the Bill further to amend the Indian Income-tax Act, 1922, be referred to a Select Committee consisting of the Honourable the Finance Member, Diwan Bahadur Harbilas Sarda, Mr. Gaya Prasad Singh, Mr. Amar Nath Dutt, Mr. C. S. Ranga Iyer, Sardar Sant Singh, Mr. H. P. Mody, Dr. Ziauddin Ahmad, Mr. B. V. Jadhav, Mr. R. T. H. Mackenzie, Rao Bahadur S. R. Pandit, Raja Bahadur G. Krishnamachariar, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

## THE HINDU MARRIAGES DISSOLUTION BILL.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move :

"That the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion be referred to a Select Committee consisting of the Honourable the Law Member, Diwan Bahadur Harbilas Sarda, Raja Sir Vasudeva Rajah, Mr. S. G. Jog, Mr. S. C. Mitra, Sardar Sant Singh, Mr. N. M. Joshi, Rao Bahadur M. C. Rajah, Mr. A. Hoon, Mr. B. V. Jadhav, Mr. Muhammad Azhar Ali, Rao Bahadur S. R. Pandit, Mr. C. S. Ranga Iyer and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I hope, Sir, that this Bill will receive the same cordial support which my Bill which has just been committed to the Select Committee has received from such generously minded people as my Honourable colleagues in this House. I can only say that after this Bill went into circulation a very large body of opinion has been collected, and Honourable Members cannot forget that only the other day in the historic meeting of the All-

India Women's Conference held at Lucknow a resolution was 1 P.M. unanimously passed with acclamation that this Bill was too modest a measure and that its provisions should be enlarged so as to permit of a dissolution of marriage not only in the few stated cases contemplated by the Bill, but in other cases such as egregious misconduct on the part of the husband, or his wanton cruelty to the wife or his contracting other marriages or leading a life of immorality (Interruption) or, as my friend Mr. Reddi, supplements my remarks, his becoming an ascetic and, thereby, forsaking her for the rest of her life.

I do not propose to detain this House for long. Honourable Members who have spoken on this Bill on the previous occasion and friends outside who have opposed this Bill have done so on the authority and in the name of the Shastras and have emphasised the view that because a Hindu marriage is a sacrament, therefore it cannot admit of a dissolution. I can understand a sacrament or a sacrifice to be a sacrifice which is sacred to both the persons performing it, the husband and the



[Sir Hari Singh Gour.]

wife; but I cannot understand the meaning of a sacrament where the wife is sacrificed and the husband is free to multiply his wives regardless of the feelings of his wife. A great deal has been spoken on the subject of the Shastras and I do not wish to reiterate what has been said on both sides on the previous occasion. I do remember the extremely learned speech of my friend, Pandit Satyendra Nath Sen, to which a very apt and apposite reply was given by my friend, Mr. Jadhav, so that my friend, Mr. Sen, will remember that there are two sides to the question; and standing here as I do in support of what the Law Member, speaking on behalf of the Government, admitted was a humane measure and which I hope his successor, the Honourable Sir Joseph Bhole, will remember when he pledges the support or opposition or neutrality of the Government, that the measure I am standing for is a humane measure, the measure that I am asking this House to commit to the Select Committee is a measure which any impartial man, not indoctrinated into the arcana of the Shastras, will readily concede as requiring no argument, as needing no reason to commend itself; and it is on that ground that I ask this House to send this Bill to the Select Committee. Honourable Members have got a compilation of the large body of opinions that have been collected by the Government and circulated for the perusal of Members. I frankly admit, as I admitted on the last occasion, that the opinions of the communities on this subject are sharply divided. Those who are orthodox (Interruption)—and my friend says most of them are so—are opposed to this measure on the short ground that it is opposed to the sacramental notions of marriage and opposed to the Shastras. Those who stand on my side—and many of them are as orthodox as my friend, Diwan Bahadur Harbilas Sardar, has just now ejaculated he is—and as I feel that I am also a member of the same body, because on this occasion I am not deviating from the written letter of the Shastras, but am trying to give effect to the Shastras themselves. (Laughter.) I am here trying once more to reintroduce into the country the salutary Shastric texts which go far beyond the narrow compass of my Bill. To that extent and on that ground I account myself as orthodox as the most orthodox of my friends sitting around me. On other occasions I may improve on the Shastric texts for the sake of humanity, because I believe and firmly believe that there is a vitality and vigour in Hinduism which from time to time has adapted itself and will adapt itself to the surrounding circumstances, and as time goes on Hindu religion and Hindu society will so adapt itself as always to be, as it has been, in the van of human progress. It is in that spirit that I ask my friends to join with me in this measure not of social reform, in this measure not of any cataclysmic change in the written law, but in a measure which the voice of humanity proclaims as a measure of urgent necessity, a measure of barest justice to the womankind of this country. The cries of the women of this country have been raised. That cry has not yet been responded to by this House. Before many months elapse, that cry will be listened to and respected. Let us make ourselves worthy of the larger trust which the future constitution will place in us. Let us not for one moment forget that as we advance politically, we must equally advance in social matters and that political advancement will not endure unless we at the same time so reform our social institutions as to create in the country a feeling of national solidarity, a feeling of unity, a feeling of mutual confidence between classes and communities and between sex and sex. Let us begin reforming our domestic life, and I hope that this

small measure will be a harbinger for larger reforms in which the whole country will be fused into one homogeneous nation. Sir, it is in that hope that I rise to make this motion, and it is my fervent prayer to my Honourable colleagues on this side to calmly consider, to dispassionately ponder over the implication of their attitude of hostility to this measure, as to what it means to themselves, what it means to their sisters and daughters who are married into another family and let them recall the disappointments, the cruelty to which they are subjected by their husbands who re-marry, who ill treat them, and against their own blood relations married in their family who have no means of redress. Think of that, not of what you have got in the shape of a man's rights over women, but think also of the other side of the question, what suffering we inflict upon our womenfolk when we consign them to a life of utter destitution,—think of that, and then decide which way you shall vote. I am here, Sir, pleading for a cause, because I feel and feel very strongly that justice demands that our womenfolk should possess a small measure of redress against the wrongs to which they have been subjected. I feel, Sir, that there are many in this House who, if they were free to think for themselves, and were not rooted to hoary traditions,—and were not subservient to the voice of obsolete authority, would stand by my side, . . .

**An Honourable Member:** Question.

**Sir Hari Singh Gour:** . . . and say that we cannot understand how the Shastraic behests so just, so noble and so ennobling, both to the man and to the wife, have perished and got buried in the dust of ages. The first thing that we can do in this reformed Legislature towards the close of its life is to right this wrong and help the helpless women of India from their terrible misery to which they have given expression in their opinions printed and unprinted, submitted in the shape of petitions to this House, of which a few were reported by the Secretary this morning.

**An Honourable Member:** Some are with you.

**Sir Hari Singh Gour:** My friends behind me whisper to me in low tones and speak to me in ironical interruptions.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): You ought to understand what it means.

**An Honourable Member:** They are not ironical, but respectful interruptions.

**Sir Hari Singh Gour:** My friends behind me say respectful interruptions, and my friends, Mr. Amar Nath Dutt and Pandit Ram Krishna Jha, say that I ought to understand what it means. I understand it too well, but what I ask my friends to do is to understand what the meaning of their interruption is, and when they retire from this Chamber, to give five minutes of calm, dispassionate thought to this question, and I am sure that they will come back in a more chastened mood, and as my friend, Pandit Ram Krishna Jha, says they will support me. I hope, Sir, this will be a good omen for the support I am likely to receive from so orthodox a friend of mine hailing from the sacred city of Benares, and I hope that my friend, Mr. Amar Nath Dutt, . . .

**Mr. Amar Nath Dutt:** From the historic town of Burdwan.

**Sir Hari Singh Gour:** . . . will also follow suit and at any rate commemorate the historic town of Burdwan as the seat that at any rate has got one reasonable man who had the courage of his conviction. Sir, I move.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Motion moved:

"That the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion be referred to a Select Committee consisting of the Honourable the Law Member, Diwan Bahadur Harbilas Sarda, Raja Sir Vasudeva Rajah, Mr. S. G. Jog, Mr. S. C. Mitra, Sardar Sant Singh, Mr. N. M. Joshi, Rao Bahadur M. C. Rajah, Mr. A. Hoon, Mr. B. V. Jadhav, Mr. Muhammad Azhar Ali, Rao Bahadur S. R. Pandit, Mr. C. S. Ranga Iyer and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): When this Bill was discussed on the last occasion, I moved that it should be circulated for eliciting the public opinion of that community which was affected by this legislation and also of the women organisations of that community that were likely to be affected by it. The Assembly approved of my motion and sent this Bill for circulation, and we have today received opinions from certain provinces in this country. I have to bring to the notice of the House that we have not so far received any opinions from the province of Madras, nor have we received any opinions from the province of Bombay. Coming as I do from Madras, which is well known to be strong in its religious faith, I should consider that the opinions that we have received so far are not complete enough for us to know how the public opinion views this matter. On the last occasion when I moved the circulation of this Bill, I knew perfectly well that public opinion on this Bill had been gathered in 1928 when my Honourable friend, Sir Hari Singh Gour, first introduced the legislation. My Honourable friend on that occasion withdrew that Bill, because public opinion then was acknowledged by him to be opposed to it. Four years later, when he brought it again before this Assembly, he made the statement that public opinion which was against him in 1928, had changed since then in his favour and that it was in favour of his Bill. I doubted whether public opinion was more in favour of his Bill last year than what it was in 1928, and that was the reason why I moved my motion for circulation. When the Assembly approved that motion, I considered that it wanted to know whether public opinion was more favourable to this Bill than what it was in 1928. As I have already said, we have not received all the opinions from the different parts of the country; particularly the province I have the honour to belong to has not

yet sent its opinion and so I feel a little delicate to speak on a matter like this, especially when I do not know the opinion of the people with whom I have to live. Notwithstanding all that, my Honourable friend, Sir Hari Singh Gour, has thought it desirable to push on with this measure, and today we have his motion for referring the matter to a Select Committee.

So far as the opinions which have been received on this Bill are concerned, the Honourable the Mover of this motion has not chosen to go into their merits, though he admitted that there was a cleavage of opinion. I have perused the opinions so far received from the other provinces carefully and I find that fortunately or unfortunately the opinions so far received are no more in favour of this Bill than they were in 1928. There can be no doubt that there are persons who are in favour of this legislation, but even those persons who are in favour of this legislation did not agree with the provisions of the Bill, as I will presently show. The various Local Governments which were consulted in this matter have also expressed opinions, apart from the merits of the provisions of this Bill, as my Honourable friend, Mr. Ranga Iyer, on a previous occasion pointed out, that this Bill was inopportune at the present time. As regards the Government of India, I am sorry to say, they have on this occasion as well as on the last occasion maintained an attitude of neutrality. I do not think that they were indifferent as regards the dissolution of a marriage. On the other hand, instances are not wanting when the Government themselves adhere to the principle of indissoluble marriages. For instance, we have the marriage of the rupee with the sterling which of all marriages Government want to be an indissoluble marriage and then a marriage is being arranged between the Bank of England and the yet to be born Reserve Bank of India, in spite of the Sarda Act. Even Government, as some of us, should pay more attention to the people who are directly concerned with this legislation. After all, whatever the views of the Government may be, they have got to administer this law and unless a substantial majority of the people to be affected by this legislation is in favour of it, it would be difficult for the Government to enforce a law which the community affected does not want. It is in that view that I would invite the attention of the Honourable Members of this House to the opinions so far received. I have to do so, because my Honourable friend, Sir Hari Singh Gour, has not chosen to refer to them.

With regard to Delhi, I find that the Hindu Sabhas which have been consulted are strongly opposed to this Bill. That was the opinion received from the District and Sessions Judge of Delhi. Coorg was in favour of this measure. Coming to Bihar and Orissa, here the opinion of the Government was that the Bill was much in advance of its time and would, if passed into law, be either harmful or infructuous. Then they say that the great weight of Hindu opinion is opposed to any legislation permitting the dissolution of a Hindu marriage. Then, Sir, we have the opinion of a High Court Judge of Patna where he says that no case is made out for starting divorce among the Hindu community which seems to have got on very well all these years without it. Now we come to the United Provinces. The opinions which have been received show that orthodox Hinduism is for the most part strongly opposed to any measure of this kind and the Governor in Council sees no reason, therefore, to modify the opinion expressed previously. Then the Vice-Chancellor of the Allahabad University, Dr. Ganga Nath Jha, says that the proposal is entirely repugnant to the very basic principles underlying the institution of Hindu

[Mr. B. Sitaramaraju.]

marriage and then we come to Rai Avadh Bihari Lal Bahadur, M.L.C., who says that the measure is premature and inopportune. Then, Mrs. Kailash Srivastava is in favour of this Bill. Then we come to Sri Bharat Dharma Mahamandal of Benares. They are opposed to it and they have given very lengthy reasons for opposing this measure. I do not want to trouble the House with a list of the reasons they have given. I would invite attention to the opinions of Justice Mukerji and Justice Ghosh on page 15 of the opinions and also Justice Sen. They have all opposed this measure. Then we come to Purnima Devi, widow of an I.C.S. officer. She is in favour of this Bill and, if I may be permitted to say so, she has also made some criticism of some of us in this House. For instance, she has referred to my Honourable friend, Mr. Das, who unfortunately is not here. She says:

"Mr. B. Das, the first dissentient Member, has no time for social reforms, but he is suspicious of the Doctor, the Lawyer and the modern woman. I wonder if he still favours a harem".

Then she has referred to Pandit Sen with whose views she does not agree. Then she has referred to me and says:

"Mr. Raju wishes that a man should be equally free to dissolve marriage if the wife is not virile or she is stupid or suffers from leprosy or consumption. As far as I know, a man is always free, much more so, when the woman is suffering from some defect."

The lady forgets that there is the obligation to give maintenance. However, I do not want to criticise these remarks. They afford very interesting reading. Then there is Rai Rajeshwari Prasad who is against it. So is also the Honorary Secretary of the Arya Sabha of the United Provinces. The Oudh Bar Association is also against it. Then we come to the Central Provinces. Here, again, I find that contrary to the wishes I then expressed that the opinions of only those people who were affected should be collected, opinions have been invited from Assistant Commissioners and people who are not Hindus. I do not propose to

3 P.M. read the whole of the opinions that have been received from the Central Provinces—opinions expressed by people who do not belong to the Hindu community. Then, Sir, we come to Ajmer-Merwara and there also we find the opinion held that this Bill was inopportune and should be opposed on religious grounds. Then we come to Bengal and here also, Sir, we find opposition. At pages 28 and 29 of the opinions, we find Rai Sahib Mahim Chandra Batavyal, Registrar of Assurances, Calcutta, saying that he is opposed to the Bill. The next opinion is also opposed, so that I find that even in Bengal there is opposition to this measure. I need not mention all the people in this list, because what I have given is enough.

**Sir Hari Singh Gour:** The Ministry of Education in the Government of Bengal see no objection to the Bill on principle.

**Mr. B. Sitaramaraju:** My friend evidently has misunderstood me. I say, whoever asked the Non-Hindu persons' opinions about it? I am referring to the Hindu community.

**Sir Hari Singh Gour:** The Ministers are some of them Hindus.

**Mr. B. Sitaramaraju:** There is a solitary Minister who is a Hindu and if his opinion is in favour of it, I can refer to several opinions which are not. For instance, Rai Satish Chandra Mukherji Bahadur, M.L.C., is opposed to the Bill. Then. . . . .

**Sir Hari Singh Gour:** What about Mr. Rajendra Lal Sadhu?

**Mr. B. Sitaramaraju:** Then the Commissioner of the Rajshahi Division says:

"Even if the underlying principle of the Bill is conceded, it must be pointed out that there are inherent blemishes in the Bill itself. It does not distinguish between unions in which the husband suffers from mental or bodily defects at the time of the marriage and those in which he becomes impotent, mad or leprous later in life. . ."

Then, again, the Commissioner of the Presidency Division says:

"The majority of the District Officers of this Division are opposed to such an enactment."

Then, again, Sir Nalini Ranjan Chatterjee is found opposed to it. Sir Bipin Bihari Ghosh is opposed to the Bill. Mr. S. N. Mallik is opposed to the Bill.

Then, again, Mrs. K. C. De says:

"No one will disagree with him if this be the purpose of the Bill, though many will ask why the privilege is to be granted to a Hindu wife only and not a wife professing any other religion, nor to a husband who discovers his wife to have been subject to the same disabilities at the time of the marriage."

Then, another lady, Mrs. Anurupa Devi, says:

"I am opposed to the proposed Bill. In my opinion, the Hindu Marriage Dissolution Bill introduced in the Legislative Assembly by Sir Hari Singh Gour, Kt., M.L.A., ought not to be passed into law for the following reasons:

(a) Marriage in Hindu society is a 'sanskar', i.e., a sacrament, and not a contract and, as such, is not dissoluble till death;

(b) Such a drastic change will affect the foundation of Hindu marriages and thereby throw the whole of the Hindu society into disorder;

(c) The idea of dissolution of Hindu marriages is and ought to be revolting to the right-thinking chaste Hindu woman;

(d) The Bill, if passed into law, will be a very powerful instrument in the hands of evil-minded men and women for their own ends and will be a source of throwing society into disorder by creating instances which will incite others to follow their examples'."

and so on, in the same strain.

She is totally opposed to this Bill and she has given very full reasons.

Then, the Eastern Bengal Saraswat Samaj, Dacca, are opposed to it. Then, we find the Marwari Association opposed to it. The Bangiya Brahman Sabha are also opposed to it. Then we find even the British Indian Association are opposed to it. The Rajshahi Association are also opposed to it. All these opinions are from the first batch of opinions so far received, and I find that the opinions hailing from the Punjab also are opposed to it. The Sanatana Dharam Pratinidhi Sabha, Punjab, says:

"This Sabha is definitely of opinion that the said Bill is fundamentally against the sacred principle and higher ideal of indissolubility of marriage tie amongst the Hindus."

[Mr. B. Sitaramaraju.]

And, then, they say:

"It was said during the debate that the opinions of the Hindu women were not taken on the previous occasion and now it was deemed necessary to do so. I am positive that leaving aside a few Hindu women who, like the male zealous social reformers, are brought up under the baneful influences of the western civilization, an overwhelming majority of them will surely condemn the very idea underlying this Bill and wherever such an opinion has been taken by the Sabha they have in unmistakable terms refused even to hear such a thing at all."

Then, take the case of the opinions hailing from Burma. They say that there is no need for any Bill of this description.

**An Honourable Member:** Because this system already exists in Burma.

**Mr. B. Sitaramaraju:** I was speaking of the Hindus of Burma and I am only referring to their opinions on this question. Then, Sir, as regards Assam, I have got here opinions that they also consider that the Bill is inopportune. Then, again, with regard to the North-West Frontier Province, the opinions there expressed show that the Hindu people there are opposed to the Bill. This is from the opinions of selected members of the Hindu community of the Peshawar District:

"We are opposed to Sir Hari Singh Gour's Hindu Marriage Dissolution Bill on religious and social grounds,"

and they have forwarded a number of other papers and on each copy I have my notes in the margin—"Opposes", "opposes". So I shall not trouble the House with extracts, but shall only say that the opinions so far received are all opposed to the motion. I have not hidden anything in the nature of opinions which have been received and which favour this Bill. I have read them and some of them are indeed in favour of this Bill, but if I had the time I would certainly have referred to a few of those opinions where they state that though they support a system of divorce for Hindus, they think that the Bill, as framed by Sir Hari Singh Gour, will not achieve that purpose. With regard to the very eloquent appeal made by the Honourable the Mover of this motion, it is necessary for us to know what exactly we are asked to do in this House. This Bill is intended to affect the Hindu community. Now it does not affect the whole of the Hindu community, because there are a large number of Hindu castes in whose cases there does prevail by custom the privilege of divorce.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): What about the question of sacrament?

**Mr. B. Sitaramaraju:** My friend, Mr. Jadhav, is impatient. I said that this Bill did not affect the whole of the Hindu community. There are already sections of Hindus who do enjoy by custom a wider right of divorce. But this Bill purports to affect the portion of the Hindu community which holds that marriage is a sacrament. My friend, the Mover, stated that that was not the true interpretation of the Shastric law. He gave us lengthy quotations. Now, such an interpretation of the Shastric law was shown to be incorrect on a previous occasion and it is not necessary for me to cover the same ground again. It will

suffice for my purpose to say that so far as the Hindu community is concerned, it is for this House to say whether you should force upon such of those people who hold it as a sacrament the other view that it should not be held as a sacrament. That is the only question involved in this Bill. If we approve of this motion for reference to a Select Committee, we would be accepting the principle of this Bill; that is to say, we would agree with Sir Hari Singh Gour that the rendering of Hindu Shastraic law is to the effect that nothing could be held as an indissoluble bond, a bond in the nature of a sacrament. He wants in the very preamble of his Bill to say:

"Whereas it is expedient to remove certain doubts regarding the dissolution of marriage of persons professing the Hindu religion".

Now, to my mind, no such doubt ever existed, that is, whether purely from the point of view of Hindu Shastraic law such a thing would be valid. That is what is involved in this Bill. Clause 2, the operative part of the Bill, prescribes certain disabilities. In this connection also I would like the House to remember that persons who marry under the Special Marriages Act are already entitled, even if they belong to castes which have not got the customary right, to the right of divorce. This Bill does not affect them. They have got powers much wider than this. Those, who are under the obligation of a religious sacrament, have relief by way of refusal of restitution of conjugal rights for disabilities of this kind. As they cannot dissolve the marriage, the whole question reduces itself to this that sections of Hindus, who consider that their marriage is a sacrament, are wrong in holding it to be so and that the Shastras, as interpreted by Sir Hari Singh Gour, are correct, and that, if so, we should give legislative sanction to that view. The Bill is for that purpose and for that purpose only. There is one great difficulty which I hope not only the Honourable Members, but the Mover of this Bill also would very patiently hear and consider. It is this. This Bill is for a dissolution of marriage. I venture to submit that if this Bill becomes law, the very purpose for which this Bill is intended to be passed into law by Sir Hari Singh Gour would be defeated. A distinction has to be made between invalidity according to which there is no marriage and dissolution where marriage is recognised, but now avoided. The Bill speaks of a dissolution of marriage. Therefore, once a woman's marriage is dissolved under this Bill, I submit, she cannot re-marry. Evidently my friend thought that she had a right to re-marry, but the legal opinion which has been gathered on this point has made it clear that if a woman gets a dissolution of marriage under this Bill, she cannot be entitled to re-marry again if she belongs to a caste which gives no second marriage to woman. The customary law would prevent her from re-marrying. This point has engaged some of the best brains of advocates in Madras and the legal opinion that was then expressed was that this Bill gave the Hindu widow, for whose benefit it is intended, a worse position than she has even now, because she would be deprived of the maintenance which she is entitled to have under the Hindu law while she gets no relief by way of re-marriage. The moment a marriage is dissolved, what becomes of the woman? She has no legal claim against the husband and, therefore, she is not entitled to maintenance. Then comes the customary law which prevents that woman from marrying again. She is, therefore, put in a worse position. Notwithstanding the legal knowledge and acumen, I am afraid, my Honourable friend has evidently overlooked this point. With all his love for the betterment of the womenfolk, he is putting



[Mr. B. Sitaramaraju.]

them, by means of his Bill, in a worse position than they occupy now. Not only that was the view of lawyers, but of some of the women themselves. I have here one opinion from a lady from Madras. Mrs. Subha-Lakshmi, Secretary of the Sarada Ladies Union, says thus :

"The marriage dissolution Bill, moved by Sir Hari Singh Gour, if passed into law, will only place women in a more pitiable position than they are at present."

And she gives the very reasons that I have just now mentioned. She will let go her right for the maintenance and will be entitled to no relief under the law by way of re-marriage. Therefore, I think that the most proper course for any gentleman, whether it is Sir Hari Singh Gour or any other Honourable Member, would be to ask this Legislature to revise the whole of the Hindu Law from top to bottom. That would be far better than to enact this piece-meal legislation not knowing what harm we are doing and what mischief we are creating. I would, therefore, respectfully request the Honourable the Mover of this motion to withdraw his Bill and bring in a consolidated measure to revise the whole Hindu Law and, if need be, the very basic principles on which it is based. But, in the guise of trying to make the lot of Hindu women much better, you are going to make them suffer for your folly not knowing what the effect of your legislation is going to be. There are three fundamental points which should be borne in mind when you come to the question of the Hindu woman. First of all, her economic position is to be considered. Unless her economic position is improved by making her independent, you cannot do much to improve her position. She must also have the necessary knowledge and education, otherwise she would not be in a position to benefit from anything that you may like to do for her.

**Sir Hari Singh Gour:** Then she will not apply for dissolution.

**Mr. B. Sitaramaraju:** Then, Sir, the few people who have been in support of this legislation have markedly referred to the only clause in the Bill, namely, clause 2, which says that a woman is entitled to dissolve her marriage for certain defects in the husband. The Honourable the Mover never said whether the defect, impotency, should occur before the marriage or after the marriage. In England, there is the law that impotency which occurs in the male after marriage is not a ground for the dissolution of marriage, while the Catholic Church of course always considered that marriage was a sacrament and indissoluble in any case. Further I would like to draw your attention to an incorrect statement which my Honourable friend made in the Statement of Objects and Reasons. He says that disabilities like imbecility, lunacy and such other things have deprived the Hindu of his right to property. This is not correct. Imbecility was never a ground for depriving inheritance or rights to property though congenital idiocy is. In 1928, this very House passed a legislation which removed the disabilities the Hindus were suffering. My Honourable friend, Sir Hari Singh Gour, prepared this Bill in 1928 and he then drafted the Statement of Objects and Reasons and placed it before the Legislative Assembly. Subsequent to the introduction of this Bill, the Bill of 1928 removing disabilities was introduced and passed. Unfortunately, my Honourable friend never took note of that fact and he stuck to the original form in which those statements were drafted.

**Sir Hari Singh Gour:** My Honourable friend perhaps does not know that the Bill of 1928 was sponsored by me. It only related to the country subject to the law of Mitakshara whereas, so far as Dayabhaga law is concerned, the whole Shastric law still prevails. Therefore, in the Statement of Objects and Reasons those disabilities which I was a means of removing for the Mitakshara country and which still exist in the case of the Dayabhaga country are referred to and, therefore, the statement is perfectly correct.

**Mr. B. Sitaramaraju:** I am thankful to the Honourable Member for the explanation he has now given, but he ought to have mentioned that in the Statement of Objects and Reasons. We, who follow the Mitakshara law, were certainly misled, and are not very well conversant with this aspect of the disabilities under the Dayabhaga law. Therefore, I am not in a position to dispute that proposition. It may be so. However, in the interests of the very people whose welfare Sir Hari Singh Gour has at his heart, I would ask him to consider whether he would be doing them a good turn by means of this legislation and whether it is not advisable for him to withdraw this measure at this stage and bring in a measure of a kind which will satisfy all and which will not put us into further complications and difficulties. After all, Hindu law is a complicated machine. If you remove a part here and a part there and substitute novelties, it may spoil the machine and ruin the purpose. Overhaul the whole, if you please, but avoid uncalled for meddling here and there. These are all the remarks that I wish to make, Sir, at this stage on this Bill.

**The Honourable Sir Joseph Bore (Leader of the House):** Sir, if I intervene at this stage, it is merely in order to make the position of Government quite clear in this matter. Government propose to adopt an entirely neutral attitude and to take no part either in the discussion or in the voting on this Bill.

**Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan):** Sir, I rose at the very beginning of this debate after the Lunch in order to make my position clear on this question as well as of those Muslim Members of this House with whom I had an occasion to talk. We have no doubt that the object of the Bill is a laudable one and we do want that the oppressed wives should have some remedy in cases which are enumerated in the Bill. At the same time, we feel that in a delicate matter like this, we ought to be very cautious. There is no doubt that helpless women have got the right to approach the Legislature of this country in order to get some remedy for the wrongs that are done to them. It is for the community to judge whether they will not allow that wrong to be remedied outside the Legislature. If they do not allow that wrong to be remedied outside the Legislature, certainly the oppressed wife has got no other forum to go to. But, in a Legislature such as ours is constituted, we feel that matters of this kind should be decided in a different way altogether. Some convention should be established by which the communities affected by the legislation should have a right to decide the question themselves. I feel and I have felt on many occasions that my friend, Sir Hari Singh Gour, put the Members of this Assembly to a very awkward position by bringing in legislation of that sort. He should make the position more clear by asking the members of the communities

[Maulvi Muhammad Shafee Dacodi.]

affected by the legislation to vote for the measure. If that is the position taken by him, I can understand it and we can lend our moral support to him. But to ask the whole House to vote on a question which affects a particular community and affects the very delicate relations between husband and wife is certainly putting the Members of the House in a very awkward position. I, therefore, wish to state that some of the Muslim Members of this House, with whom I had occasion to talk, as well as I myself, do not like to vote on this question although we wish to give our moral support to the objects of the Bill which has been introduced.

**Bhai Parma Nand** (Ambala Division: Non-Muhammadan): Sir, I have very great respect for the learning of the Honourable the Leader of the Opposition in this House. At the same time I appreciate his genuine feeling of love and care for the good of his community; but with all that I stand to oppose this Bill.

I do not want to discuss this question from the Shastric point of view as that was very fully and elaborately discussed at the time when the Bill first came before this House. But one thing which I have to say with regard to this is that, in spite of certain references here and there, which might allow an annulment of marriage, we know it as a fact that the Hindu community as a body has solidly stood opposed to any kind of dissolution of marriage, during all its life. Besides, from the body of opinions that we have gathered we know that the vast majority of Hindu opinion is still opposed to this as it has been all along during the history of our people.

The Honourable the Mover has appealed to us to adopt this as a measure of social reform on the ground that after taking this step, a great field would be opened before us to make us a solid and healthy nation. I have to say that so far as social reform goes, I am not very orthodox. I do not belong to the conservative school. I know that the circumstances of this country have changed and we have even to make certain amendments and changes in the commands of our Shastras whenever and wherever necessary, in order to adapt our community and ourselves to the changed conditions. But, Sir, I find myself unable to believe that this question of the dissolution of marriages has anything to do with social reform. We have had a very lucid and appealing speech referring to the pitiable condition of the Hindu women in which it has been argued that we should allow this Bill to pass simply as a measure of barest justice to women and as a matter of urgent necessity for the amelioration of their condition. Sir, I wish to say that it is yet to be seen whether there is any necessity for a measure like this. There are no doubt plenty of women in this country whose condition is pitiable and who can be called destitute and miserable, but it is a question if their misery and destitution are due to the system of marriage that has been prevailing so far in our country. There is poverty in the country, there is destitution in the country; but we cannot ascribe this destitution and misery to any system of marriage that prevails in the country. These two things are entirely independent of each other and are not connected as cause and its effect.

Sir Hari Singh Gour has brought three definite causes on which the right of a dissolution of marriage should be permitted to the wife. They are impotency, imbecility and leprosy of her husband. Sir, I have lived pretty long and I have travelled throughout India. There is practically no province to which I have not gone and I can say, out of my own experience, that I have never come across any case in which there has been a need for divorce on account of the imbecility or leprosy of any person. I have seen lepers, but I have never seen a case where the wife has been in need of a divorce, because her husband became a leper or imbecile some time after the marriage. I am not a lawyer, but from my common sense, I can say that in order to show that a law is needed to remove a certain trouble, we have to prove its need by showing that there are cases and a great many cases which cannot be remedied without enacting a new measure to meet them. As I have not seen any case in which a wife thought of wanting a divorce on account of the imbecility or leprosy of her husband, I say there is no need of enacting a measure which cannot relieve any woman from any trouble.

The third case is of impotency. With regard to this, I would say that the cause is really very doubtful in so far as we do not know what the term 'impotency' means. There are degrees of impotency and the question is, who is to decide whether the husband is really impotent? There may be wives who are themselves barren or of a bad character and they might abuse this plea and claim dissolution saying that their husband is impotent while the man may not be suffering at all from this disease. Then, there is another thing. This impotency is a sort of nervous disease or weakness and, in this country, there are plenty of advertisers who advertise remedies for it. The one medicine which is sold above all others in this country is the supposed cure for impotency. Many young men and even elderly persons are fond of buying these imaginary cures for an imaginary trouble to such an extent that no one can say if these people are suffering from such a disease. Again, Sir, the disease may be a temporary phase which lasts for a short time and the man feels all right when his nervous weakness goes off. It would be a funny thing, if, during the period of one or two months when a person is suffering from that weakness, a wife brings up a charge against her husband that he is suffering from impotency and that she be permitted to get a divorce on that account. All these three causes which are considered to be the main grounds for the annulment of marriage, that is impotency or leprosy or imbecility, are troubles practically not to be found in our society at all, and this Bill does not provide a remedy for any ills that exist or which cause any suffering to womankind. I don't think, therefore, that a case has been made out for enacting the proposed measure. To make up a case, we have to show that there is a great amount of trouble in the country for which we are seeking a remedy and that the proposed measure is that remedy. Therefore, I do not see any need of suggesting and supporting such a measure, because it is, practically speaking, of no use or service to the community in any way.

There is another thing. This measure will be a sort of double-edged weapon. Supposing you give permission to women to get dissolution of marriages on these small counts; then men also would be entitled to have similar dissolution of marriages for similar excuses; and if this annulment of marriage goes on like this, I think you will practically break down

[Bhai Parma Nand.]

the institution of marriage and along with it, the whole system of family altogether. As I said just now, anyone of these troubles might attack a person somewhat later in life. If a man does begin to suffer from such a decease, I think it would be no credit to his wife to go and seek a divorce from him. Thus there would be ample justification for a husband to give up his wife if she is attacked by an infectious disease. This would reduce value of marriage to zero, and would be worse than a false friendship. It reminds me of a story found in the books that are read by school boys: Two companions went together in a jungle. They were talking of friendship when they saw a bear coming. At once one of them got up a tree. The other, not knowing how to climb, fell on the ground as if dead. The bear came, and seeing him motionless, thought that the man was dead. The bear then went away. Now, the man, who had gone up the tree, climbed down and asked the other what the bear had whispered into his ears on which the other man replied that the bear had said: "Do not trust false friends". So, I say, if dissolution is allowed on such pretexts, the system of marriage and family life would become even worse than this false friendship. Is it less surprising that late in life when a man is fifty or so, after a married life of twenty or thirty years, he might get a certain trouble and then the woman goes and says: "Here is a fellow who has got such or such disease and I do not want to live with him". If that is the ideal of marriage and if we allow wives to get divorce on such grounds, it would be nothing less than cutting at the root of the whole system of Hindu society. Not only this, but as I was saying if husbands were also allowed in a similar way to get divorce from their wives, then, instead of these few women—perhaps a few per thousand—who may be suffering now, there will be millions of women who would be divorced; and, in this poor country, where it is difficult even for men to find out jobs as means of living, it will be very difficult for such women to go about and seek their own living or seek new husbands for themselves. No doubt there are certain societies where divorce is allowed and where society has been going on that system; its members have got used to it and they have the right to live according to their own ways and according to their own laws; but, all on a sudden, to make a fundamental change in the system of the Hindu society and to run the risk of getting a whole society ruined by such hasty innovations will surely be the outcome of this measure, and, instead of doing any reform, we will be bringing a great calamity upon that society. For these reasons, I say, that this Bill should be withdrawn by the Honourable the Mover.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muham-madan Rural): Sir, after the speech of my friend from the Punjab who, I think, is in a position to speak for the Hindu community better than many Members in this House, I would suggest that in a measure of this kind the exercising of a certain amount of caution will not be superfluous. The Government, under the leadership of Sir Joseph Bhore, have laid down a very good precedent in regard to matters affecting the community in which the community is very much divided; and that precedent, I hope will be followed in future when controversial legislation affecting the community will come up before this House. I also thank the Honourable Member from Bihar who spoke for his community, clearly stating that it

matters affecting one particular community the other community would rather play the role of a spectator than an actor by not walking into particular lobbies. That is a very good precedent. Living as we do at a time when we cannot shut our eyes to what is coming, I would ask the Leader of the Opposition whether he should rush headlong with this piece of legislation; for I clearly visualise, in this country, when parties will have to be formed and the opinion of constituents will have to be ascertained, that the formation of parties will be more or less not on communal lines, nor so much on political lines as on lines of social reform. We will have conservatives on the one side and radicals on the other. The political radical of today may be a conservative of tomorrow and the conservative of today will be a radical of tomorrow. We can have a glimpse of the future from the tremendous agitation progressing in the country today in regard to a particularly urgent measure of social reform. As parties will have to be formed on the lines I have mentioned, must we hurry matters here and now, matters which have not disturbed the public mind, especially when Sir Hari Singh Gour happens to be the leader of a party in this House and the president of a party outside this House which, I believe, commands the future, if only it cares to go out into the country with a strong social reform programme and political programme. Such being the case and, after having heard the opinions mentioned on this side of the House, I would respectfully suggest to him to consider carefully whether he should press this motion to a division. If he chooses to press it to a division,—I at any rate propose to serve on the Select Committee having consented to serve,—I may not walk into one lobby or another. I personally think that it will be good for us to wait and help the formation of parties in the future. Each country like each individual has to make its choice. The West has made its choice. India has made her choice also. If you want to teach an American religion you have to preach through sociology. If you want to preach to a European religion, you have to teach him through politics. Politics is in his very blood as religion is in our blood, and if you have to teach Hindus politics, you may have to teach it through religion and through social reform. Therefore, here is a first\* class religio-political measure which will suit a party of the future. For these reasons, Sir, I would ask the Honourable gentleman who is in charge of this motion to pause. It is good to have wings to soar, but I would ask him to use his feet for the time being, and, by slow degrees, by more and more, he can climb to the summit of our times.

**Pandit Ram Krishna Jha** (Darbhanga *cum* Saran: Non-Muhammadan): Sir, I rise to oppose this motion. In the first place, we find,—and I say so with no disrespect to the learned Mover,—he seems to be himself in serious doubt about this matter, because Honourable Members will find that in the preamble he has stated—“to remove certain doubts as to whether Hindu marriages are dissoluble or not”. Now, have we heard a single word from him throughout his speech this morning as to how the doubt arose, and where he has got his doubts from? Has my friend in his practice at the bar for more than 30 years found a single decision of any High Court where a Hindu Judge has felt any doubt on the point? Has he heard or read in any Sanskrit works which he has read any doubts on this point? Has he himself in his career as a lawyer for so many years come across any doubt entertained in India either by a party or a Judge or by an opposing counsel? I do not know where my friend got this doubt from. Probably it is a doubt which exists in his own mind, and, just to get an opportunity to

[Pandit Ram Krishna Jha.]

crack a huge joke in this Assembly, he has brought forward this measure. If he had not come forward with a measure like this, there would have been no opposition from the real Hindu community. Of course, there are Hindus and Hindus. There are some Hindus who are Hindus only in name or by origin but who have long ceased to be Hindus, who have long discarded the Hindu culture, who have seen the West too much and who have adopted too much of the Western culture, who see there is nothing good in Hindu culture,—and for a section like this,—and fortunately their number is very small,—he might have come forward with a Bill and said—“Well, let there be a Bill by which marriages can be dissolved at the sweet will and pleasure of the parties”—a Bill by which a Hindu marrying a non-Hindu can at any moment discard the other party at any time and throw her to her lot and dissolve the marriage. But I cannot understand the position of my friend, Sir Hari Singh Gour, when he says in the preamble that doubts have arisen as to whether Hindu marriages are dissoluble or not.

I say, Sir,—and I say this in all seriousness,—I believe that my friend, Sir Hari Singh Gour, when he drafted the preamble, probably was never serious about this matter at all, otherwise I would not expect a preamble like this. I really do not know how he has come to know that there are doubts on the point. If any doubt exists,—I personally think there is none whatever,—it is only in his own mind, and I think the doubt is not whether a marriage is dissoluble or not, but the doubt is whether there can be any doubt at all on a matter like this. I would appeal to Sir Hari Singh Gour's experience and would refer him to the judgment of Justice Sir Chandra Madhav Ghose in 28, Calcutta. He has described there what the marriage ceremony is, what the sacrament is, and what the *mantras* are. If my friend, Sir Hari Singh Gour, had taken part in any Hindu marriage, performed according to Hindu Shastraic rites, I am sure he would not have entertained any doubt at all; if he had closely followed the Shastraic rites laid down by the Shastras which govern the vast majority of the Hindu population, I am sure he would not have found any doubt whatsoever. I would only ask my friend to read two or three judgments of Justice Sir Chandra Madhav Ghose just to make sure that there can be no doubt at all on this question. On the other hand, those decisions clearly lay down that there can be no manner of doubt whatsoever that Hindu marriages are indissoluble. Has my friend,—again I ask,—ever found any person well versed in Sanskrit ever entertaining any doubt on this matter? Of course, my friend's knowledge of the Shastras is based entirely, so far as my information goes, upon the translation or mistranslation of Hindu texts. He has picked up certain passages shorn of their context. My friend, Pandit Satyendra Nath Sen, showed on the last occasion how the passages, upon which my friend Sir Hari Singh Gour placed so much reliance, were clearly inapplicable to this. Dissolution presupposes that there has been no valid marriage, otherwise, if once there is a valid marriage, then these doubts cannot possibly arise at all. I am afraid,—I say without any disrespect,—my friend is misleading the House. He is very well illustrating the adage that little knowledge is a dangerous thing. (Laughter.) Probably with his limited knowledge of Sanskrit, he must have gone through some of the Sanskrit texts and then felt a doubt in his own mind. He has not been able to say where the doubt exists, but if he had any doubt in his own mind, then he should have placed before this House some data to show how the doubt arises in his mind, but

fortunately or unfortunately for this House he has not done that. I, therefore, submit that the very object for which this Bill is introduced,—that is to remove certain doubts,—is defeated by the fact that there exists no manner of doubt at all except in the mind of the Mover himself. Has there been any doubt expressed by any member of the Hindu community as a whole at any time as regards the Hindu marriages performed strictly according to Shastraic rites? As has been very well put by Mr. Justice Mukherjee, a Hindu wife never thinks of a separation. She cannot conceive, having once been tied together, for good or bad reason, of separating herself from her husband.

**An Honourable Member:** What about the husband?

**Pandit Ram Krishna Jha:** I am coming to it. I am myself a husband. (Laughter.) I have heard not only once, but more than once, my friend, Sir Hari Singh Gour, and his assistant, Mr. Reddi, say that sacrament is a sacrament, and they ask what about the husband? I say that for every husband the sacrament has the same force as for the wife.

**An Honourable Member:** He can marry as many wives as he likes.

**Pandit Ram Krishna Jha:** Then there will be another marriage and there will be another sacrament.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Can a wife have another sacrament?

**Pandit Ram Krishna Jha:** No, because the sacrament is like that. Well, you can very well come and say that the law is inequitable. I can understand that position, and you can come forward and say, like Sir George Schuster's Income-tax Bill, this is rather inequitable,—I can understand that position. You come forward and merely say that this law is a very bad law, give the go-bye to it. Why do you express any doubt on the point and attempt to modify the existing law? Where is the doubt,—I do not know. Again, in an Assembly like this—is it fair for an Assembly like this to pass a legislation of this type? I ask Sir Hari Singh Gour, did he, while he was canvassing for votes, tell his constituents that he was out for a measure like this which would affect the Hindu community in general? If he had said so and if he had been successful, in the contest, he might have come forward and said, “I represent my constituency”. I am pretty sure that if these people had told their constituencies that they were going to promote such social reform Bills, none of them would have been successful. I submit it is hardly fair to the Hindu community. As I stated at the outset, if Sir Hari Singh Gour had said, “I want legislation like this for a handful of persons who have discarded their Hinduism”, I could understand it. But now the whole world will say, Sir Hari Singh Gour is a Hindu and he has brought forward a Bill like this, and, therefore, it is a Hindu thing. Will that be right?

**Sir Hari Singh Gour:** I am a humble Hindu.

**Pandit Ram Krishna Jha:** He does not represent the Hindus at all. He claims to be a Hindu, but I do not know how far his claim is justifiable. As has been pointed out by Mr. Raju, how far have you been able



[Pandit Ram Krishna Jha.]

to gather the opinions of persons who will be affected by this Bill? I say, it does not matter whether an Assistant Commissioner is consulted or a European High Court Judge is consulted. They have their own ideas of marriage and equity. The question is, have the persons who are going to be affected by this legislation been consulted, and are the opinions, so far gathered, enough to enable this House to form an idea that the Hindu community in general wants this legislation. I submit, as has been clearly explained by my Honourable friend, Mr. Raju, that it has not been done, and I feel that Sir Hari Singh Gour will be well advised to withdraw this Bill altogether. Sir, I oppose the motion.

**Mr. A. Hoon** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): After the attitude that the Government have taken and after the announcement that my Honourable friend, Maulvi Shafee Daoodi, has made with regard to the attitude that the Muhammadan gentlemen in the House will take with regard to this Bill \* \* \* \* \*

**Sir Abdulla-al-Mamūn Suhrawardy** (Burdwan and Presidency Divisions: Muhammadan Rural): Not Muhammadan gentlemen. He was speaking for himself. He cannot speak for us.

**Mr. A. Hoon**: I find that the fight over this Bill is now mostly confined to the Hindus. The position has come to this that some of us have begun to challenge the *bona fides* of each other as Hindus. I wish that that state of affairs had not been brought in, and I would ask Mr. Jha, in spite of my being clad in a different fashion from that of his, and in spite of my having had the misfortune to have gone beyond India to foreign countries, not to doubt my enthusiasm, not to doubt my genuine admiration, and not to doubt my sincerity as a Hindu towards Hinduism. We have all got our own ways of thought.

Sir, with all the emphasis at my command I can say that the grounds on which the Leader of the Opposition is seeking the dissolution of Hindu marriages are more important and more applicable to the needs of the Hindu society than to any other society in the world. A Christian man can marry a Christian woman although he may not be physically fit to marry her. The woman cannot have any grouse, because it is a matter of contract with them. The man can say, I have married this woman in spite of being impotent, because I like her company. The woman can say, I have married an impotent man knowingly, because I like his intellect. But, Sir, the case among the Hindus is entirely different. I challenge my Honourable friend, Mr. Jha, and also my Honourable friend, Mr. Sen, who, I believe, is anxious to speak on this subject,—I ask them, what is the fundamental principle on which the Hindu marriages are contracted? The answer is procreation of one's own species. (*Cries of "Yes" and "No" from some Honourable Members.*) I submit,—I will again repeat, in spite of the interruption of my Honourable friend, Mr. Raju, that this is the only object with which the Hindu marriages are contracted, and I can say that the Hindus have always taken pride that such high ideal of marriage exists only in their own community. If this is the highest ideal, would any gentleman, present in this House, like to countenance a state of affairs which affects the very foundations of that ideal? What is the situation when an impotent man marries a young

girl? I would ask my Honourable friends present here to put themselves in that situation. A young woman, well brought up, comes in front of you and says, I have been married to a man who is impotent. What will be the answer given by you? I think the best thing is not to say anything more on the subject of the possible answer.

**Bhai Parma Nand:** Who is to decide that the man is impotent? Then, is it an incurable disease?

**Mr. A. Hoon:** I am very glad to hear that Bhai Parma Nand, to whom I have always given credit for his political work, knows something of medicine and specially about impotency. (Laughter.) You have put a question to me,—you did put a question,—who is going to decide whether the man is impotent or not? My answer is, it will be a doctor, and not Dr. Sir Hari Singh Gour. (Laughter.) I think these details are much too delicate to be discussed on the floor of the House. The fact is there, that the man is impotent, and the question is whether the marriage should be allowed to stand or not. (Interruption.) I hear all sorts of remarks, full of all sorts of taste, and I leave it to the good sense of the House to decide what credit should be given to them. But there are certain remarks of which we can safely afford not to take any notice. There is no doubt that the Bill after circulation has come back to us, and we find that it is mentioned in most of these notes that the Hindu public opinion is opposed to the introduction of this measure. In this connection I would ask the leave of the House to explain that in my humble opinion there is a confusion of thought when gentlemen say that the Hindu public opinion is against this Bill. They seem to mix up the feeling and the opinion of the Hindu community together. It is possible that a man has certain feelings on a certain question, but when he is asked to give his opinion, he may have a different opinion. I agree that bound by orthodoxy and governed by tradition as we are, the feelings are against the introduction of a measure like this, but when you do not permit your heart to get the better of your head, you do come to the conclusion that a measure like this is urgently and sorely needed. Mr. Raju, who very eloquently and ably opposed this Bill, brought forward two objections. One was that the measure was not likely to do any good to the class of people for whom it was intended, because the woman, when she was freed as far as marital ties were concerned, would not be able to get re-married. To that my answer is, if she is situated in that way, and if the custom by which she is governed does not permit her to get married again, she will think twice before seeking a dissolution of marriage.

**Mr. Raju** also said that in reality people in this country are opposed to this measure. I say people have always been opposed to any new legislation of a social kind. Had we not had storms of shouts, and storms of public opinion in connection with the *Sati* legislation? Was there not a commotion when the Bill for widow marriage reform was brought forward? Was there not an uproar when the Sarda Bill was introduced? I do not blame people when they raise their voice against any new legislation of this type, because it is only natural. Certainly public feelings in the country at this time are said to be opposed to this measure, but, I submit, it is not really the public opinion. It is the public feeling. I would not hesitate to admit myself before Honourable Members that my feelings sometimes get the better of my head and I

[Mr. A. Hoon.]

think 'Oh, we should refrain from passing measures of this kind', but I submit that by giving deeper thought to this serious problem I come to the conclusion that it is very necessary that this measure should be passed.

[At this stage Mr. Deputy President (Mr. R. K. Shammukham Chetty) vacated the Chair which was taken by Mr. G. Morgan.]

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadian Rural): Sir, it cannot be denied that the question has become a very contested one. It may be seen that the Government attitude on this important question is that they are absolving themselves from entering into the arena of this discussion. They want to remain neutral. So far as the Muhammadan friends are concerned, I find that at least one of the leaders of the Muhammadans has declared that they will remain neutral. Then, this question comes to be contested amongst the Hindus alone. I do see that many of the Hindu Members, who have so far spoken, have opposed this Bill, but that is no reason why one should not put forward one's own honest, sincere and fair opinion. It appears to me that this question cannot be decided on the religious aspect alone. In my humble opinion, it raises two questions. One is a claim on the part of some Members of the Assembly that we should conform to the ancient Shastras and we should not budge an inch beyond that. The second school of thought says that we should move with the times. These two questions have no doubt to be decided with caution and circumspection. We know that times have changed. There are now so many associations which the country had not before. Western civilisation has made inroads into India. With new communications people have come into contact with several ideas. In my humble opinion, I do not want that this question should be restricted to the Shastras alone. It should be considered in such a manner that without clashing with ancient ideals we can move forward with the times. I may at once say that I admire the Indian ideal of women to remain chaste and moral and to take only one husband to procreate and advance the lineage. It is a noble ideal. India has kept intact the Indian ideal and all credit is due to the Indian women who have stuck to this ideal and I do not find, even at this stage of advancement and civilisation, that the chastity and the morality of Indian women have deteriorated.

I would say at once that I would have opposed this Bill tooth and nail had it not been a cautious one, a modest one and a restricted one. I have gone over the world and seen the customs of many countries and I do deplore, as many of them there do, the disaster brought on these countries by these unrestricted divorces. So much freedom has been given to women that the matrimonial courts are full of divorce cases. The marriage takes place, and many a times lasts for a week or so, and then it is dissolved.

**An Honourable Member:** Still you want to introduce that in this country.

**Mr. Lalchand Navalrai:** I will just explain. I am not one of those people who would go whole hog which would create disruption in society with regard to our own ideals, customs and manners. I will prove to you that the dictates of the Shastras themselves have up to this time been

controlled by the times. Therefore, my submission is that we should give careful consideration to this Bill and, if we are going to block it, the result will be underhand mischief and this morality and this chastity will be violated and interfered with. I have read some of the Shastras. My learned friend on this side may say that I have read only the translations, but those translations which he is condemning are based upon certain authorities like Manu and such other writers and they have not been up to now challenged in any way.

**Pandit Ram Krishna Jha:** The Privy Council recently pointed out that the word "coparcener" in Colebrook's translation has created a lot of mischief. They have pointed out that these translators would have done well not to translate such texts of Hindu law into the English language. Then Prasanna Kumar Tagore's translation and such other translations have been questioned and challenged.

**Mr. Lalchand Navalrai:** Very well, I shall quote for my learned friend's benefit Mayne's Hindu Law which gives certain quotations and can my Honourable friend say that they also are wrong?

Now, Sir, my humble point is this, that if the country is on the road to an advance now and different customs are coming in, you must of course proceed with them cautiously as, otherwise, you will disintegrate your own community and nationality altogether, but all the same you must give a proper latitude for adjustment. Sir, we know now how far our youngsters have gone forward and how they have imbibed and are daily imbibing and following the customs and manners of the outside world. Now the mentality of our young men is not as it was when there were no communications and when you so very rarely came into touch with Western peoples and their culture and when you were quite ignorant of their customs and manners. Times have now changed. Times have come to the stage now when certain reform laws are asked for which in those distant former days would have been opposed very strongly. Take the question of the marriages under the Sarda Act. Now, that Act would have been very much opposed in those times, but now this Act is in operation, and you can see that even though the small orthodox section of some such people still carry on a campaign against it, yet it cannot be said that the country as a whole thinks that it is a bad law. They themselves cannot but admit that it is suitable to the present times.

**Pandit Satyendra Nath Sen** (Presidency Division: Non-Muhammadan Rural): Certainly not.

**Mr. Lalchand Navalrai:** Of course there is a difference of opinion always. Unless there be two sides to a question, there would be no argument. Therefore, I am submitting that there are two questions here before the House. One is, whether you are going to stop where you are, whether you ought to stagnate where you are, and you are never to improve your customs and manners, or whether you are ready to go forward cautiously and in a manner which may be salutary and safe, and in which there will not be any harm but good. Now history shows that there was a time when, according to certain Shastras, there was a custom permissible amongst Hindus of begetting children if certain impediments, such as those mentioned in this Bill, were in existence. I would quote

[Mr. Lalchand Navalrai.]

Mayne's Hindu Law, 4th Edition, page 70, article 67, referring to Manu, 11th Chapter, pages 162, 267 *et seq.* He says:

"Law books expressly sanction the begetting of offspring by one on the wife of a man who is impotent, disordered in mind and incurably diseased."

These are the three conditions that are now contemplated by this Bill.

**Pandit Satyendra Nath Sen:** Give us the original reference. I challenge that.

**Mr. Lalchand Navalrai:** You may challenge it, but I find it there and I do not think that there is anything to challenge unless you can bring forward a contrary authority. In any case I am putting it to you that this is what he says. Then, at page 88, we find passages of the Vedas which are quoted by Dr. Mayer. They sanction the second marriage of women who have left their husbands for a justifiable cause or who have been deserted by their husbands. Now, Sir, I should not be misunderstood in the least. I do not say that the laws in vogue at certain times should be completely and wholly followed now. My point is only this. I only show that from time to time there have been changes. I may also point out that there are divorces allowed by custom among certain sections of Hindus. I do not think that anybody would deny that, even at the present moment, amongst the Hindus at certain places there are classes where, according to the customs and manners there prevalent, divorces are allowed. There have been similar reported cases of the Bombay High Court and elsewhere.

Sir, times have come when we have got to deal with such questions as that of untouchability. Yes, times have come when we are perforce dealing with questions which would never have arisen before. In these times, I say, why are some people insensately opposing reforms? If a cautious step is proposed to be taken for the purpose of getting a salutary move on, why should it be blindly opposed? Sir, I have already said that I am not for divorces generally. My friend, Sir Hari Singh Gour, in his enthusiasm quoted today from a resolution of the Women's Conference to show that they were for divorce for even other causes than these. I am afraid, he was unwittingly seeking a blow to his own case by quoting that as it might be implied that he is in favour of allowing divorces for all kinds of causes, however insignificant they may be. As I understood him on the last occasion when I heard him, I thought he said that his Bill was very much restricted and narrow and that led me to consider that I should, when there is so much opposition from the orthodox section, express my own opinion honestly. But I was a little amused when he quoted from that resolution of the Women's Conference; perhaps he quoted it for the mere sake of quotation and I take it we are not going to follow those women who want to make this country also a country of divorces and a country of marriages for a time.

**An Honourable Member:** That will be an advancement!

**Mr. Lalchand Navalrai:** That will certainly not be an advancement. When you do not do a certain thing cautiously and wisely, you are not advancing in the right direction, but in the wrong one. Sir, let us take a

bird's eye view of what our young men are today thinking and how they are moving. Take this system of caste. See how you find these youngsters. Can you even recognize them, when they are at the same table with Europeans and Muhammadans, that they are Hindus? Sir, I am not for a measure of course which will disintegrate our families. I do not want that the wife should lose that charm of the ideal that she possesses.

**Mr. N. M. Joshi** (Nominated Non-Official): What about the husbands?

**Mr. Lalchand Navalrai**: There is nothing wrong with the husbands.

**Mr. N. M. Joshi**: But what is it? I ask you.

**Mr. Lalchand Navalrai**: But they are not throwing away their wives.

**Mr. Chairman** (Mr. G. Morgan): Order, order. Please continue.

**Mr. Lalchand Navalrai**: So what I am submitting is this, that this Bill is a very cautious and restricted one. I shall, however, I must say, not be content with the Bill as it is. It requires drastic modification in the sense of defining what imbecility is and what kinds of leprosy and impotency should be causes for separation. For instance, let us take the question of impotency. Now, impotency must be defined. In some cases impotency may be only a temporary difficulty. Then, it is said that it is difficult to find out whether a man is impotent or not. This is not however as difficult as it is imagined to be. There are certain general principles which the courts do apply in this matter. I know of a case—it was a Muhammadan case—where there was a question of impotency and that case was decided by the Judges by putting these people on probation. What I submit is this that the law has provided certain principles for the Judges to follow in this behalf. I know it is a difficult question, but the Bill should not, on that account alone, be thrown out. This defect can be amended in the Select Committee. Now, Sir, I find on page 7 of the Bihar and Orissa opinions that they also complain that there is no definition of these terms. They say:

“Sir Hari Singh Gour has not defined what he means by imbecility. The word has no general or recognised meaning in law. It has been especially defined in certain Statutes in England, but it cannot be used without definition in an Indian Statute. The word may mean anything from slight weakness of mind up to dangerous lunacy. There may be something to be said for taking power to dissolve a marriage if the husband is an incurable lunatic, but the vague word ‘imbecility’ would go much farther than this.

Sir Hari Singh Gour has not explained what he means by impotency. From the languages of the Statement of Objects and Reasons it appears that he wishes to enable a marriage to be dissolved when it is impossible for the husband to procreate children. In English law, the impotency which renders a marriage invalid is incurable inability.”

Therefore, amendments could be made in the Select Committee to omit the word “impotency” and substitute in its place “incurable inability” and further “incurable imbecility and dangerous or incurable lunacy”. Then, there would be absolutely no objection. With these words, Sir, I support the motion.

**Pandit Satyendra Nath Sen:** I rise to oppose the motion for the Select Committee moved by my peculiarly "orthodox" friend, Sir Hari Singh Gour. I oppose the motion, because I am opposed to the principle of the Bill in question. I think it is not necessary for me to make a very lengthy speech in order to press my point, because I made my point abundantly clear by an elaborate speech on the last occasion.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) resumed the Chair.]

I was glad to find that none of the points raised by me was refuted by the Honourable the Mover in his concluding speech on the last occasion at Simla and in the speech which he delivered this morning. I am also glad to find that this morning he only appealed to our sentiment and did not refer to the Shastraic view at all. Also he did not have recourse to what is called *argumentum ad hominem* which he adopted on the last occasion with high sounding words. He described us, the orthodox people, as heartless and impervious to reason and all sorts of similar things. I was almost sanguine that on the last occasion we would have carried our point could we avail ourselves of that opportunity. But, as Honourable Members are aware, things took an unexpected turn and the discussion had to be postponed more than once for want of a quorum. From the reception that has been accorded to him this morning, I hope we shall be able to knock down the Bill even today. Sir Hari Singh Gour referred to the opinions collected by Government and he has informed us that the opinions are divided, but he has omitted to mention that we have got an overwhelming majority on our side. (*Voices*: "Let us vote now.") Mr. Rajii has referred to all those opinions and I need not go into the details. But I should like to read one or two lines from the opinion of the Honourable the Chief Commissioner of Ajmer-Merwara. He says:

"I understand that in some European countries, e.g., Italy, no divorce of any sort is legally recognised and that even in England dissolution of marriage cannot be obtained because the husband is mad or leprous. The Bill under discussion, therefore, goes further than the law even in the most advanced countries of Europe."

I am also glad to find that thoughtful and learned men like Pandit Ganganath Jha, *ex-Vice-Chancellor* of the Allahabad University, Sir N. R. Chatterjee, *ex-Chief Justice* of the Calcutta High Court, Sir Bipin Bihari Ghosh, *ex-Judge* of the Calcutta High Court, have in unmistakable terms condemned this Bill. Coming to the details of this Bill, I would prefer to be blind to its manifold defects, because otherwise the invariable reply will be that those defects may be rectified in the Select Committee. I should, therefore, pay greater attention to the mistaken ideas that are contained in the Bill.

**Mr. N. M. Joshi:** You have shown them once.

**Pandit Satyendra Nath Sen:** Yes, and I shall refer to them again very briefly. In the very first place, the Honourable the Mover makes a mistake in referring to the practice of Niyoga which, as he puts it, "provided the wife with a companion of the husband when the husband himself was imbecile or impotent". This is a very mistaken idea, because the system of Niyoga did not provide the wife with a companion. The wife

was allowed to have only one or two male children without indulging in any personal gratification. Then he refers to the rights to property. As a matter of fact, no husband is declared that he is not entitled to inheritance. But theoretically even if he is so declared, his sons, if possible, or his adopted son, can come in for inheritance, and the wife is not deprived of the right to property in any case. Now, the passages quoted by him from Nārada and Vasishtha are all irrelevant, because they refer to previous examination of the prospective bridegroom or to betrothal. And some of them have been mistranslated. For instance, in verse No. 16, the expression "have discharged their marital duties" should have been put as "betrothed to each other". Again, in verse No. 24, "bridegroom" should have been "prospective bridegroom". In verse No. 97, "husband" should have been put as "betrothed husband" and the word "*āpat*" in the same verse No. 97 has been translated as "legal necessity" whereas the word "emergency" should have been a more appropriate term. Again, some of the translations are ridiculously inaccurate. For example, verse No. 24 has been put as :

"When a bridegroom goes abroad after having espoused a maiden, let the maiden wait till her menses have passed three times, and then choose another bridegroom."

Marriage was never a plaything with a Hindu girl and it could not have been dissolved after waiting for a small period of three months only. The translator on whom the Honourable the Mover also relies was able to pick up the really Shastraic view when he says :

"The 'choice of the bride' or betrothal, being dissoluble on the discovery of a blemish (in either party), it follows that the act of joining the bride and bridegroom's hands, that is, the ceremony of marriage, must be indissoluble."

This is the translator's view and this view has been confirmed by Manu when he says :

"Neither by sale nor by repudiation can a Hindu marriage be dissolved—the wife can never be separated from her husband."

I quoted the original verse on the previous occasion and I need not go into details now. This view of Manu has been confirmed by later writers such as the authors of the Mahābhārata and the various Sāṃhitās and of the well-known work named "Karma-Vipakā".

Then, again, in the verse quoted from Vashisth, there is a suppression of facts and also the translation is wrong. The word that is given in the translation is "remarried". The original word is "*punarbhū*", which, as I said before, is a technical term and, therefore, does not admit of a strict translation. It should have been left as it is. With the portion that has been suppressed, the passage will read as :

"She is called '*punarbhū*' who leaving an impotent, outcast or mad husband or after the death of her husband takes another lord".

This portion has been suppressed, viz., "after the death of her husband", and this determines the status of the girl who takes another husband.

I will now offer very short criticisms of some of the views expressed by the speakers today as well as on the previous occasion. The Honourable the Mover, while moving his motion on the last occasion, told us, referring to this Bill, that it had already been accepted in Baroda and probably in Mysore and some other Indian States. Sir, I have no information regarding other Indian States, but so far as Mysore is concerned, I am in a position to say that there is no such enactment in that State.



**Mr. B. V. Jadhav:** In Baroda there is.

**Pandit Satyendra Nath Sen:** May be, but so far as Mysore is concerned, it was a wrong information supplied to this House. I wrote to the Secretary of the Legislative Council of Mysore and, in reply, he informed me as follows:

"In reply to your letter of the 7th instant, I am directed to state that there is no enactment in force in Mysore providing for divorce or dissolution of marriage among Hindus."

I now come to my friend, Mr. Jadhav, on whom my Honourable friend, Sir Hari Singh Gour, relies so much. In forming his view regarding this matter my friend, Mr. Jadhav, relied on a work on *Artha-Shastra*, which is primarily a work on politics, in preference to works on *Dharma-Shastra*, such as those of Manu and others, which should be regarded as the sole authority in these matters; and, even then, the passages quoted by him were misunderstood and misapplied. I shall make my point clear by referring to one of those passages. In quoting from Kautilya, he says:

"For seven months should a maiden, married with religious rites, await a husband who has left her without telling her and whose whereabouts are not known, etc."

Evidently he refers to Kautilya, Chapter IV, passage No. 159. This is the translation given by Pandit Shama Sastri:

"A young wife (*kumāri*) who is wedded in accordance with the customs of the first four kinds of marriage and whose husband has gone abroad and is unheard of shall wait for him for the period of seven menses, provided he has not announced his departure; but she shall wait for him a year in case of his having announced the same."

Now, the word which occurs there is "*kumāri*" which is a synonym of "*kanyā*" and what is the definition of "*kanyā*"? It means an unmarried girl, and so this also refers to betrothal.

**Mr. B. V. Jadhav:** What is the use of waiting if she is a "*kanyā*"?

**Pandit Satyendra Nath Sen:** Because our ancient *Shastrakaras* put a very great value on betrothal. They say that when there is a betrothal, the girl should wait for a reasonable period. The translation goes on:

"In the case of a husband who is gone abroad, but who is not heard of, his wife shall, if she has received only a part of *sulka* from him, wait for him for the period of three menses; but if he is heard of, she shall wait for him for the period of seven menses. A young wife (the original word is *kumāri*) who has received the whole amount of *sulka* shall wait for the period of five menses for her absent husband."

*Sulka* means the marriage-fee in the form of dowry.

This certainly refers to betrothal; otherwise there would have been no reference to *sulka*. The *sulka* has or has not been fully paid up. That is the point. It has been argued by Mr. Navalrai today and Mr. Joshi on the last occasion that these things might have suited the society a thousand years ago, but not today. I do not see the force in this argument. What do they really mean? If morality and chastity were valuable a thousand years ago, they are and should be regarded as valuable even today. So there is no force in that argument, viz., that it suited the society a thousand years ago, not today. When a certain principle is in question, these questions do not arise at all. When my friend, Pandit Jha, was speaking, there was an interjection from my Honourable friend,

the Mover, "Well, what is the case with the husband?" It is a common slogan in this House in regard to this matter and it was uttered by several friends and by Mr. Joshi also. My answer to that is—the same thing as is the case with the wife. There is no dissolution of marriage even if the wife is given up by the husband: he is bound to maintain her and look after her comforts. There is no dissolution. Honourable Members should bear in mind that there is a difference between divorce and dissolution; the two things are not identical; even if there be a divorce, there is no dissolution. Sir, I shall finish very soon. I now come to the remarks made by Dr. DeSouza who, I am sorry to see, is not here. He remarked that under the canon law such marriages were invalid and the question which would arise would be not a question of dissolution, but a declaration of the nullity of marriage. That may be the case under the canon law, but, according to our sages, the question is indeed one of dissolution and not of nullity, because such marriages are not invalid. It has been argued by some of my Honourable friends that the only object of marriage is procreation of children. But I beg to differ from them: procreation of children may be one of the objects, but that is not the only object; there are other objects as well: for example, the performance of religious rites and observances. Even the adoption of a son is not possible for a bachelor. An important person even is entitled to have *pinda* from his adopted son and he is not entitled to adopt a son if he remains unmarried. At least that is the Hindu view point. I do not think I need proceed any further. If Honourable Members have any regard for opinion and experience, they will not brush aside the opinions expressed very strongly by men like the late Mr. Gladstone, Mr. Slessor, the Solicitor General in the Labour Government of 1924, Lord Chief Justice Campbell, Justice Lindsay and the Rev. Graham. I would conclude my speech by quoting only two or three lines from the last named gentleman who says:

"This one breach in the old law of indissoluble marriage has reacted disastrously on the security of home life, and experience seems always to show that when *once* divorce is made possible on any pretext, the percentage of divorce increases year by year continuously."

Before I resume my seat, I would request Government not to remain neutral, but to vote positively against the Bill, because if anyhow this Bill is passed, the people will make them responsible, because the ordinary people make no distinction between the Government and the Legislature. With these words, I beg to oppose the Bill.

**An Honourable Member:** The question may now be put.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I accept the closure. The question is that the question be now put.

The motion was adopted.

**Sir Hari Singh Gour:** Sir, I shall take a very few minutes . . .

**An Honourable Member:** How many?

**Sir Hari Singh Gour:** . . . in my reply. I thank both sides of the House for the moderation of tone in which their speeches were couched; and, whatever may be the difference between myself and those who do not agree with me, I cannot disguise from myself the fact that there is a certain body of honest opinion opposed to the reform that I am advocating. I respect those who conscientiously feel that I am going much in advance of the times. But I also beg of them to take my word

[Sir Hari Singh Gour.]

and give me the credit I give to them, that I also conscientiously feel that my society will never advance unless some of us take the step that I am taking of bringing Hindu society into line with modern conditions and modern thought. It may be that my friends and ourselves do not agree on this matter. But one thing is certain, that as I respect their opinion, they should also respect ours and, so far as the Government are concerned, I am rather surprised that the Government should adopt an attitude of neutrality upon a measure of such transparent justice. (*Cries of "No, no."*) I should have thought that the Government on this measure would have reinforced our ranks by giving it the support which they have given in years past to such humanitarian measures as the suppression of *sati*, infanticide and other allied reforms. The reform that I am advocating is a reform of as wide-reaching a character. It is intended to emancipate what is ordinarily called, perhaps euphemistically described, as the better half of man. It is to their better half that I am giving this modicum of liberty without which her life is one of perpetual subjection and misery. I do not wish to detain the House. This stage is an intermediate stage. If the House permits me to take the Bill to the Select Committee, it will be only one step forward, and then it will be time for both sides of the House to reconsider the position and give their opinion after the Bill comes out from that Committee. Sir, I move.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is:

"That the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion be referred to a Select Committee consisting of the Honourable the Law Member, Diwan Bahadur Harbilas Sarda, Raja Sir Vasudeva Rajah, Mr. S. G. Jog, Mr. S. C. Mitra, Sardar Sant Singh, Mr. N. M. Joshi, Rao Bahadur M. C. Rajah, Mr. A. Hoon, Mr. B. V. Jadhav, Mr. Muhammad Azhar Ali, Rao Bahadur S. R. Pandit, Mr. C. S. Ranga Iyer and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly divided:

AYES—12.

Gour, Sir Hari Singh.  
Hoon, Mr. A.  
Jadhav, Mr. B. V.  
Jog, Mr. S. G.  
Joshi, Mr. N. M.  
Lalchand Navalrai, Mr.

Mitra, Mr. S. C.  
Pandit, Rao Bahadur S. R.  
Reddi, Mr. T. N. Ramakrishna.  
Sant Singh, Sardar.  
Sarda, Diwan Bahadur Harbilas.  
Sohan Singh, Sirdar.

NOES—11.

Dutt, Mr. Amar Nath.  
Ghuznavi, Mr. A. H.  
Jha, Pandit Ram Krishna.  
Krishnamachariar, Raja Bahadur G.  
Misra, Mr. B. N.  
Mukherjee, Rai Bahadur S. C.

Neogy, Mr. K. C.  
Parma Nand, Bhair.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 6th February, 1933.

# LEGISLATIVE ASSEMBLY.

Monday, 6th February, 1933.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty), in the Chair.

## MEMBER SWORN.

Major-General Sir John Megaw, K.C.I.E., K.H.P., M.L.A. (Government of India: Nominated Official).

## QUESTIONS AND ANSWERS.

### TREATMENT METED OUT TO INDIANS IN AUSTRALIA AND NEW ZEALAND.

115. \***Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to the *Fiji Samacher*, Suva, Fiji, dated the 10th September, 1932 (page 3), in which a letter, dated the 25th July, 1932, from Mr. R. K. Sarosh Irani of the Sarosh Motor Works, Ltd., of Nasik, Bombay, addressed to the Private Secretary to H. E. the Viceroy and Governor General of India, has appeared, detailing the humiliating and discriminatory treatment which was meted out to him in Auckland, Sydney, Melbourne, Adelaide, and Freemantle, by the passport authorities, while passing through Australia and New Zealand in 1932? Have Government inquired, or do they propose to inquire into this matter? If not, why not?

(b) Are Government in a position to state how many Australians and New Zealanders annually visit India on the average; and do Government propose to adopt the same measure of reciprocity treatment meted out to them as the Indians receive in those countries? If not, why not?

**Mr. G. S. Bajpai:** (a) and (b). Government have seen the letter referred to by the Honourable Member. His attention is invited to the reply given by me to question No. 483 in this House on the 20th September, 1932. No reply has yet been received to the enquiry made. Government have no information about the number of Australians and New Zealanders who visit India annually. Honourable Member will, I am sure, agree that until a reply has been received and considered, the Government of India cannot decide what would be the most suitable action to take.

**Mr. Gaya Prasad Singh:** May I take it that when the reply comes, it will be placed on the table of the House?

**Mr. G. S. Bajpai:** I shall consider that question, Sir.

**REFUSAL BY THE GOVERNMENT OF FIJI TO GRANT PERMISSION TO PANDIT SHREE KRISHNA SHARMA TO RETURN TO FIJI.**

**116. \*Mr. Gaya Prasad Singh:** Are Government aware that the Government of Fiji have refused to grant permission to Pandit Shree Krishna Sharma, Missionary of the Arya Pratinidhi Sabha of Fiji, whose name appears on the electoral roll of the Southern Division of the Colony, to return to Fiji? If so, why?

**The Honourable Sir Harry Haig:** Yes. It is understood that it was apprehended by the Fiji Government that his activities were likely to cause communal trouble.

**Mr. Gaya Prasad Singh:** May I know what evidence is in the possession of Government to indicate that his activities will be in the direction mentioned in the reply?

**The Honourable Sir Harry Haig:** It is not a question of evidence in the possession of the Government of India. This is action taken by the Fiji Government.

**Mr. Gaya Prasad Singh:** Do I understand that the Government of India did not take any steps to ask the Fiji Government whether their action was taken on any evidence or not?

**The Honourable Sir Harry Haig:** So far as the Home Department are concerned, the answer is certainly in the negative. We do not correspond with the Governments of the Colonies.

**Dr. Ziauddin Ahmad:** May I ask what is the nature of the permission? Is it in the shape of a visa by the Consul of the Fiji Government, or is the permission taken of the Government of Fiji themselves?

**The Honourable Sir Harry Haig:** I think possibly if Honourable Members wish to pursue these points it will be desirable that they should address themselves to the fountain of knowledge in this House, my Honourable friend, Mr. Bajpai.

**Dr. Ziauddin Ahmad:** Is it only a visa by the Consul, or has every permission letter to go to the Fiji Government themselves for opinion?

**Mr. G. S. Bajpai:** The position at the present moment is that the Government of Fiji do not allow anybody to go into Fiji without their prior consent.

**Mr. Gaya Prasad Singh:** Is it not a fact that this particular gentleman is an inhabitant of Fiji itself and that his name appears on the electoral rolls of that country, and I should like to know for how long he has been asked to remain out of Fiji?

**Mr. G. S. Bajpai:** I do not happen to know for how long he has been asked to remain out of Fiji, nor do I know whether he is a permanent inhabitant of Fiji. What I submitted was that the Government of Fiji do not now allow people to go back without their prior consent.

**Mr. S. O. Mitra:** Does it apply in the case of a person who is a permanent resident of Fiji and who comes out temporarily to India for a visit?

**Mr. G. S. Bajpai:** I take it that it does not apply to people who are born and domiciled in Fiji, but people who had been there previously as a matter of purely temporary residence—in their case this is necessary.

**Mr. Gaya Prasad Singh:** May I take it that the Government of India have taken no steps and do not propose to take any steps in the matter of enquiring whether the judgment of the Fiji Government has been exercised with proper discretion or not?

**Mr. G. S. Bajpai:** The position is that the Government of India have not been approached by the gentleman concerned. They cannot very well move in the matter without some formal reference to them.

#### RESTRICTION ON THE ISSUE OF PASSPORTS TO INDIANS GOING TO FIJI.

**117. \*Mr. Gaya Prasad Singh:** Have Government received any communication from the Government of Fiji, or any other authority, to restrict the issue of passports to Indians going to Fiji, unless they produce a written permission of the Fiji authorities? If so, what reply have Government given to this request; and why have Indians been singled out for this discrimination?

**Mr. H. A. F. Metcalfe:** Yes. The Fiji Government represented that sex disproportion in the local Indian population was very marked and requested that no passport or visa for Fiji should be granted to any Indian male unless:

- (a) he is accompanied by his wife, or
- (b) he produces evidence that he is a resident of Fiji, or
- (c) the consent of the Fiji Government is first obtained.

The Government of India have accepted the request and issued instructions accordingly to passport issuing authorities in India.

There is no discrimination against Indians since like restrictions are imposed on other races when similar sex disproportion exists.

#### INDIAN STUDENTS IN THE SCHOOLS OF FIJI.

**118. \*Mr. Gaya Prasad Singh:** Will Government kindly state the approximate number of Indian students in the schools of Fiji, and the amount of expenditure over their education, and over the education of European students in the Colony?

**Mr. G. S. Bajpai:** According to the latest available Annual Report of the Department of Education in Fiji, which is for the year 1931, the total number of Indians enrolled in all schools was 4,531. The net expenditure on the education of Indians and Europeans was £9,815-15-8 and £5,762-16-9, respectively.

### PROHIBITION OF THE USE OF HINDI READERS BY RAMDAS GAUR IN INDIAN SCHOOLS IN FIJI.

119. **\*Mr. Gaya Prasad Singh:** Is it a fact that the use of Hindi readers by Ramdas Gaur in Indian schools in Fiji has been prohibited? If so, why? And since when?

**Mr. G. S. Bajpai:** I place on the table copy of a question asked on the subject in the Legislative Council of Fiji in October, 1932, and the answer given to it. Government of India have no further information.

*Extract from the Indian Members' Questions and the Replies thereto at the October Session, 1932, of the Fiji Legislative Council.*

*Question—*

58. Will the Government be so good as to state :

(a) whether the use of Hindi readers by Ramdas Gaur in Indian Schools has been prohibited?

(b) if the answer be in the affirmative, reason or reasons for prohibiting such Readers?

(c) the authority that recommended their prohibition?

(d) grounds of his recommendations upon which the prohibition order was made?

(e) whether the Government will consider appointing a Committee to examine the suitability or otherwise of these Readers and others in use and to report upon the justification or otherwise of the action taken?

*Answer—*

58. (a) Section 23, sub-section 7(e) of the Education Ordinance 1929 states that with respect to all registered or recognised schools no books of secular instruction shall be used which are not approved by the Board. The Hindi readers by Ram Das Gaur have not been so approved.

(b), (c) and (d). The Board of Education does not give reasons for its decisions made under the powers conferred on it by the Ordinance.

(e) The answer is in the negative.

### AREAS IN FIJI CLOSED FOR THE SETTLEMENT OF INDIANS.

120. **\*Mr. Gaya Prasad Singh:** Will Government kindly state if there are certain areas in Fiji which are closed for the settlement of Indian subjects in that Colony? If so, what are such areas, and why is this restriction?

**Mr. G. S. Bajpai:** I place on the table relevant extracts from a question and answer on this subject in the Fiji Legislative Council.

*Extracts from a question and answer during the October Session, 1932, of the Fiji Legislative Council, regarding areas closed for the settlement of Indians in Fiji.*

*Question—*

65. Will the Government be so good as to inform this Council :

(a) the names of the districts or parts of such districts and areas in each of them closed for the settlement of the Indian subjects of His Majesty resident in Fiji?

(b) reason or reasons for closing such areas to Indians?

*Answer—*

65. (a) The provinces of Cakaudrove; Serua (the interior part behind the coastal range); Tailevu North (that part north of the Waidalici River); the Lau Group; the Lomaiviti Group; the Yasawa Group and the islands of Kadavu and Beqa. The above mentioned parts of the Colony are reserved from general agricultural settlement, except in special cases such as store site leases, and so on.

(b) The general interests of the Colony.

**APPOINTMENT OF INDIANS AS JURORS, ASSESSORS OR JUSTICES OF THE PEACE IN FIJI.**

**121. \*Mr. Gaya Prasad Singh:** Is it a fact that no Indian residents in Fiji has ever been appointed Jurors, or Assessors, or Justices of the Peace in that Colony? If so, why is this restriction; and what steps have Government taken or propose to take in this matter?

**Mr. G. S. Bajpai:** I place on the table a copy of the interpellations on the subject in the last October session of the Fiji Legislative Council. As the question of appointing Indians as Justices of the Peace and Jurors and Assessors is engaging the attention of the Colonial Government, no action on the part of the Government of India is called for at present.

*Extract from the Indian Members' Questions and the Replies thereto at the October Session, 1932, of the Fiji Legislative Council.*

*Question—*

72. Will the Government be pleased to inform this Council:

(a) whether the Government has considered the necessity for the appointment of Indians as Justices of Peace?

(b) if the answer be in the affirmative, the decision arrived at?

(c) if the answer be in the negative, whether the Government will be pleased to consider the question and appoint, wherever necessary, some Indians as Justices of Peace?

*Answer—*

72. (a) The Governor has under consideration the question of making appointments of one or more Fijian and Indian Justices on the occasion of the King's Birthday.

(b) No undertaking can be given.

(c) Does not arise.

*Question—*

73. Will the Government be so good as to state the steps taken to recommend the inclusion of Indian names on the lists of Jurors and Assessors of this Colony?

*Answer—*

73. No new list of jurors and assessors has been made since the enactment of the Jurors and Assessors Ordinance 1932, which was passed in the July session of the late Council. A new list will be prepared in May, 1933. Every male person between the ages of 21 and 60 years resident in the Colony, and possessing the necessary qualifications mentioned in the Ordinance, is liable to be included.

Any person whose name is omitted from the list may [by Section 6 (4)] appear before the Chief Justice either personally or by an advocate and assert his right to serve as a juror.

From the list so made the Chief Justice will select a sufficient number of persons qualified by education and character to serve as assessors in criminal cases. At present there are no Indians on the list, but should suitable Indians be included in the lists for next year the Chief Justice will no doubt give full effect to the provisions of the Ordinance.



## FACILITIES FOR THE EDUCATION OF INDIAN CHILDREN IN FIJI.

122. **\*Mr. Gaya Prasad Singh:** Will Government kindly state whether any facilities for the education of Indian children in the Dreketi, Nasarawaqa Bua, and Savusavu areas of Vanualevu in Fiji, are provided? If so, how many educational institutions have been in existence there, and what is the annual expenditure involved? What steps have been taken to encourage the spread of education among the Indian settlers in Fiji?

**Mr. G. S. Bajpai:** I place on the table relevant extracts from a question and answer on the subject in the Fiji Legislative Council. The Government of India have no information regarding the number of educational institutions in the areas mentioned or the annual expenditure thereon. As regards the last part of the question, the attention of the Honourable Member is invited to the reply given in this House to part (d) of his question No. 549 on the 29th February, 1932.

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*Extract from Fiji Legislative Council, October Session, 1932.*

\* \* \* \* \*

Indian Members' Questions and the Replies thereto.

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*The Member for the Indian Southern Division:*

\* \* \* \* \*

*Question—*

77. Will the Government be pleased to state:

(a) whether any facilities for the education of Indian children in the Dreketi, Nasarawaqa, Bua, and Savusavu areas of Vanualevu are provided?

(b) whether the Government has considered the educational needs of these areas in Vanualevu?

(c) what steps do the Government propose to take to establish in each of these areas a school for Indian children?

\* \* \* \* \*

*Answer—*

77. (a) Indian pupils may be enrolled in schools established at Dreketi and Nasarawaqa.

(b) The educational needs of every part of Fiji are under constant consideration.

(c) Educational facilities are being gradually extended throughout the Colony as finances permit.

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INDIANS REPATRIATED FROM FIJI.

123. **\*Mr. Gaya Prasad Singh:** Will Government kindly give the number of Indians repatriated from Fiji during the last five years? How many of them have returned to that Colony; and what has become of those who have been repatriated to this country?

**Mr. G. S. Bajpai:** The number of Indian repatriates from Fiji during 1932 is not yet known. The figures for the 5 years ending 31st December, 1931, are as follows:

| Year.          | Number of repatriates. |
|----------------|------------------------|
| 1927 . . . . . | 984                    |
| 1928 . . . . . | 973                    |
| 1929 . . . . . | 653                    |
| 1930 . . . . . | 642                    |
| 1931 . . . . . | 171                    |

So far as the Government of India are aware, only 350 persons were assisted by the Government of Fiji to go back to that Colony in 1928. The presumption is that the remainder of the repatriates have been absorbed in India. The Government of India have no information as to what has happened to them; a few may be amongst the returned emigrants in the camp at Calcutta.

#### EQUALITY OF THE STATUS OF INDIANS IN FIJI.

**124. \*Mr. Gaya Prasad Singh:** Will Government kindly state:

(a) whether they are aware of the pledge given in 1875, during the reign of Her Majesty Queen Victoria, by Lord Salisbury, on behalf of Her Majesty's Government, to the following effect:

"Above all things, the Colonial laws and their administration will be such that the Indian settlers will be, in all respects, free men with privileges no whit inferior to those of any other class of Her Majesty's subjects resident in the Colonies."?

(b) whether the Government of Fiji did in the year 1920, after full discussion with the European Elected Members of the Legislative Council of Fiji and with the approval of the Secretary of State for the Colonies, give the pledge required by the Government of India that the position of Indians in Fiji would be equal to those of any other class of His Majesty's subjects resident in Fiji?

(c) whether they are aware of the resolution passed in 1921, at the Imperial Conference, under the authority and seal of the Dominion Ministers and of important representatives of the British Cabinet, the spirit of which was that India, having now been admitted as an equal member of the British Empire, should no longer be subjected to any disability and that the British Indians lawfully domiciled in any part of the Empire should be given the full and unrestricted rights of British citizenship?

(d) whether the Government of Fiji undertook to introduce into the Legislative Council of Fiji an Ordinance giving effect to the pledge referred to in (b) above? If so, with what result?

**Mr. G. S. Bajpai:** (a), (b), (c) and the first part of (d). Yes.

As regards the second part of part (d) of the question, the Government of Fiji have not passed any Ordinance on the subject, presumably because the two main questions of the political and the municipal franchise have come in for separate treatment.

COMMON ROLL AND REPRESENTATION OF INDIANS ON THE LEGISLATIVE COUNCIL IN FIJI.

125. **\*Mr. Gaya Prasad Singh:** (a) Is it a fact that in British Guiana and Mauritius, a common electoral roll and a common franchise are in vogue? Why is not such a system introduced in Fiji?

(b) Is it not a fact that about 4,000 Europeans in Fiji have the right to elect 6 representatives, while more than 75,000 Indians can elect only 3, and the natives of Fiji numbering over 95,000 have no representation at all in the Fiji Council?

(c) Is it not a fact that the official seats are always filled by Europeans, and if so, why are they given additional representation? What steps have been taken by the Government of India to redress this state of things?

**Mr. G. S. Bajpai:** (a) The answer to the first part is in the affirmative. As regards the second part, the attention of the Honourable Member is invited to the reply given by the Honourable Sir Fazl-i-Husain to part (d) of his question No. 634 in this House on the 22nd September, 1931.

(b) The position is that Europeans elect six members and Indians three, while Fijians have three nominated representatives.

(c) The answer to the first part is, yes, but the official seats are filled by officers in virtue of the posts held by them and not as representatives of the European community. As regards the second part, the attention of the Honourable member is invited to the answer given by me to his unstarred question No. 22 on the 4th September, 1928.

AEROPLANE FLIGHT TO BADRI NATH DURING *JATRA* SEASON.

126. **\*Mr. Gaya Prasad Singh:** Is it a fact that recently Mr. R. N. Chawla made a flight from Delhi to Joshi Muth (about 14 miles south of Badri Nath, in the District of Garhwal, U. P.) in a Puss Moth aeroplane in about 5 hours and 30 minutes only? Are Government aware that Badri Nath is an important place of pilgrimage for the Hindus? What facilities, if any, are Government prepared to give to any undertaking for aeroplane flights to Badri Nath to carry pilgrims during the *Jatra* season?

**The Honourable Sir Frank Noyce:** There is no official information about the flight made by Mr. R. N. Chawla from Delhi to Joshi Muth, but Government have seen a report to the effect that such a flight was made without landing.

The reply to the second part of the question is in the affirmative.

So far as Government are aware, the country around the Badri Nath temple is unsuitable for landing grounds, while the altitude which is over 10,000 feet precludes the landing or taking off there by normal aeroplanes even if the site were otherwise suitable for the establishment of an aerodrome.

FORGED TEN-RUPEE NOTES IN THE CURRENCY NOTE PRESS, NASIK.

127. **\*Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 1325 (a) of 21st November, 1932, will Government kindly state the number of the series, forgeries of which were detected at 51 places,

and what was the number of the series of the 158 ten-rupee currency notes stolen from the Currency Note Press?

(b) Will Government kindly state if the paper of the forged notes bore any star water-mark, and appeared similar to genuine paper?

**The Honourable Sir George Schuster:** With your permission, Sir, I will deal with questions Nos. 127 to 140 together.

Enquiry is being made and complete replies will be laid on the table in due course.

**STAR WATER-MARKED CURRENCY NOTES PRINTED IN THE CURRENCY NOTE PRESS, NASIK.**

†128. **\*Mr. Gaya Prasad Singh:** Are Government aware that ten-rupee star water-marked currency notes printed in the Currency Note Press, Nasik Road, are still being received by currency authorities and so far more than 158 genuine notes printed in the Currency Note Press, but not issued officially to the public, have been received by them? If so, will Government kindly state how this could be possible, and the actual number of genuine notes so far received?

**VERIFICATION OF SPOILED OR REJECTED CURRENCY NOTES IN THE CURRENCY NOTE PRESS, NASIK.**

†129. **\*Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 6 of the 5th September, 1932, will Government kindly state if the six million ten-rupee notes and the balance of 592 reams of currency note-paper, after printing the above six million notes which had to be destroyed due to the design being stopped, were thoroughly verified and checked before destruction by an officer entirely independent of the Master, Security Printing, India, who is also *ex-officio* Controller of Stamps? If so, will Government kindly state the name and designation of the officer who verified them and place his report on the table? If not, will Government kindly state by whom the verification was done, and whether Government consider such verification by officers in any way subordinate to the Master safe and feel satisfied?

(b) Will Government kindly state how the stocks of water-marked Currency Note Papers both in the store and in process under the Control Department of the Press are verified periodically? Is it not a fact that such verifications are not done quite independently of the Master? Is it not a fact that the water-marked paper in store or in process are never verified by the auditors nor do they check the internal accounts of currency notes and watermarked paper maintained by the Control Department? If so, why? What is the procedure of verification adopted in the different currency offices, and whether the same system could not be introduced in the Press? Are there any rules for such verifications laid down by the Government, and if so, do they apply in the Press?

(c) What is the procedure adopted by the authorities in verifying spoiled notes which are destroyed frequently? Is it not a fact that they are verified and destroyed by an officer subordinate to the Master? Has this system not been objected to by the audit authorities?

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†For answer to this question, see answer to question No. 127.

**CONVICTION AND SENTENCE OF THE PERPETRATORS OF THEFTS IN THE CURRENCY NOTE PRESS, NASIK.**

†130. **\*Mr. Gaya Prasad Singh:** (a) With reference to my starred questions No. 1329 of 21st November, 1932, and No. 6(d) of the 5th September, 1932, will Government kindly state how the perpetrator of the thefts in the Currency Note Press, Nasik, was convicted and sentenced by the Court to a term of imprisonment when "thefts are not reported to Magisterial Courts"? Will Government kindly state the name of the Court which passed the orders, and whether the Master received a copy of this judgment? If so, will Government kindly place a copy of this judgment on the table, or in the Library of the House?

(b) Is it not a fact that when thefts of currency notes are discovered, information is given to the Police who try to trace out the culprits and when they are traced they are tried by a court of law for the offence? Will Government kindly state how many such culprits were tried by courts and place copies of the judgments in the Library?

(c) Is it not a fact that while passing orders in a certain case of theft in 1928, the Magistrate adversely commented on the supervision of the Control Supervisor, and recommended departmental action against him? If so, will Government kindly place a copy of this judgment on the table, and state how the Magisterial recommendation was carried out?

**SHORTAGE OF FIVE-RUPEE NOTE SHEETS IN THE CURRENCY NOTE PRESS, NASIK.**

†131. **\*Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 1330 (a) of 21st November, 1932, will Government kindly state why the responsibility for the shortage of five-rupee sheets in the Currency Note Press, Nasik, could not be fixed on any particular individual? Was nobody put in charge thereof?

(b) Will Government kindly state why Mr. M. H. Patel's increment was withheld for three months? Is it a fact that five-rupee sheets were found short from his charge? Who else than Mr. Patel could have been responsible for this shortage?

**DEPARTMENTAL ACTION TAKEN AGAINST THE SUPERVISORS RETAINED OR RETRENCHED IN THE CURRENCY NOTE PRESS, NASIK.**

†132. **\*Mr. Gaya Prasad Singh:** (a) Will Government state with reference to my starred question No. 1332 of 21st November, 1932, if any departmental action was ever taken against any of the supervisors retained in the Currency Note Press, Nasik? If so, against whom, and for what reasons? Is it not a fact that Mr. Mainker's increment was withheld for a certain period?

(b) Will Government kindly state if any departmental action was ever taken against any of the supervisors retrenched and if any of them had unsatisfactory service to his credit? If so, will Government give particulars?

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†For answer to this question, see answer to question No. 127.

**APPOINTMENT OF ADYA GAUD BRAHMINS IN THE CURRENCY NOTE PRESS, NASIK.**

†133. \***Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 12 of the 5th September, 1932, and question No. 1332 (b) of 21st November, 1932, will Government kindly state how the replies of the two questions could be reconciled, in view of the fact that in reply to the former it has been said that the Chief Supervisor of the Currency Note Press, Nasik, and five assistants come from Ratnagiri district, while in reply to the latter it has been said that he does not hail from Ratnagiri? Will Government kindly state which of the replies is correct?

(b) With reference to my starred question No. 1332 (d) of 21st November, 1932, is it not a fact that four Adya Gaud Brahmin Assistant Supervisors of Ratnagiri district, viz., Messrs. V. B. Khot, A. R. Desai, G. V. Desai and K. R. Zarapkar were appointed after the appointment of the Chief Supervisor in the Press and not only three as stated in the reply thereto? Is it not a fact that another Adya Gaud Brahmin Assistant Supervisor, Mr. M. V. Naik and one Gaud Saraswat Assistant Supervisor Mr. K. N. Kamat of Ratnagiri district were also appointed in the Press after that date, in addition to the one Adya Gaud Brahmin Assistant Supervisor who was already there, viz., Mr. Mainker of Ratnagiri district making the total appointments conferred on Adya Gaud Brahmins six, and Gaud Saraswat one out of the total appointments of 15 Assistant Supervisors?

**ASSISTANT SUPERVISORS OF DIFFERENT COMMUNITIES APPOINTED IN THE CURRENCY NOTE PRESS, NASIK.**

†134. \***Mr. Gaya Prasad Singh:** With reference to my starred question No. 1332 (c) of 21st November, 1932, will Government clearly state the numbers of the appointments which were conferred on the members of the different communities out of the total appointments of 15 Assistant Supervisors in the Currency Note Press, Nasik?

**SPECIAL QUALIFICATIONS REQUIRED FOR THE POSTS OF THE MASTER AND DEPUTY MASTER OF NASIK PRESSES.**

†135. \***Mr. Gaya Prasad Singh:** With reference to my starred question No. 1334 of 21st November, 1932, will Government state for what particular superior posts Messrs. Kapoor and Das Gupta are being trained, and also state what special qualifications are required for the posts of the Master and the Deputy Master of the Nasik Presses? If no Indian is available at present, when will Indians be taken for being trained for these two particular posts? Why are not arrangements being made to Indianise these two posts after the present incumbents?

**EUROPEAN STYLE QUARTERS FOR INDIANS IN THE CURRENCY NOTE PRESS, NASIK.**

†136. \***Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 1326 of 21st November, 1932, will Government state if an Indian who has been to Europe is considered fit to occupy European style quarters or not? Is it not a fact that Mr. I. M. Das, an officer of the

†For answer to this question, see answer to question No. 127.

Photo-Litho Department of the Currency Note Press, Nasik, received his training in Europe? Was he offered European style quarters? If not, why not? Will he now be offered a suitable one?

(b) Is it a fact that Mr. S. K. Bose, an Indian Printing Supervisor, was given special leave to proceed to England to acquire higher knowledge in the art of printing, and he is now England-returned? Was Mr. Bose offered European style quarters after his return from England? If not, why not? Will he now be offered a suitable one?

(c) Will Government kindly state if any of the Indian officers at present occupying European style quarters had ever been to Europe? If not, why were not Messrs. Das and Bose given preference over them in the allotment of European style quarters? Will Government kindly define clearly "Indian style", and "European style"?

(d) Will Government kindly state what rate is charged for water consumed beyond the free supply, and also under what rules this free supply is at all given? What amount can be recovered annually by stopping this free supply of water, and charging for all water consumed at the usual rate? Are Government prepared to consider the desirability of stopping this free supply as a measure of retrenchment and economy? Is it a fact that Government have to purchase every drop of water supplied free?

#### ALLOTMENT OF RESIDENTIAL QUARTERS IN THE CURRENCY NOTE PRESS, NASIK.

†137. \*Mr. Gaya Prasad Singh: (a) With reference to my starred question No. 1336 of the 21st November, 1932, will Government state if the Master of the Nasik Press and other persons paying rent under the rule get 10 per cent. of their pay as compensatory allowance in lieu of quarters? If so, does this not mean that Government do not practically get anything for the costly quarters?

(b) Will Government state why Miss Griffin was not given third grade European style quarters, instead of 2nd grade? Is it a fact that she is getting Rs. 130. p. m.? If 3rd grade quarters cannot suitably house a person living in European style, will Government state why they were built at all? What is the cost of each of the 3rd grade quarters?

(c) Will Government state what is the cost of quarters occupied by an officer drawing a pay similar to the Master in New Delhi? Is it worth Rs. 1 lakh and 12 thousand?

#### RESULTS OF THE AUDIT OF THE ACCOUNTS OF ARCHITECTS OF NASIK BUILDINGS.

†138. \*Mr. Gaya Prasad Singh: (a) Are Government aware that the Auditor-General in his Memorandum No. T.-775-Admn.-356-29, dated 8th July, 1932, on the results of the audit of the accounts of the architects of Nasik buildings has said that the post-audit done by the Accountant General, Bombay, showed that "excesses had been incurred on several sub-works of the estimate which should have received the prior sanction of the Government of India, and that in some cases there had also been apparent extravagances"? If so, will Government please state what those items are on which excesses were incurred and extravagances made, together with the amount sanctioned and amount actually spent?

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†For answer to this question, see answer to question No. 127.

(b) Is it not a fact that "in many cases it was impossible to trace measurements and quantities into the bills"? If so, will Government please state through whose negligence these things occurred, and what steps, if any, were taken against him?

(c) Will Government please state why excesses over the already revised estimate and extravagances were at all allowed to be passed, and why those responsible were not made to suffer instead of making the Government to provide for excesses and extravagances? Is it not a fact that excesses and extravagances were made to provide for luxuries which the Government could ill afford?

(d) Is it not a fact that in case of the buildings of the Currency Note Press and the Central Stamp Store also, excesses were incurred without the sanction of the Government of India? Is it not a fact that over-payments were also made to the architects, and the authorities controlling payments did not know that over-payments were actually made? Is it not a fact that in one case an excess payment of Rs. 2,651 was made, and in another Rs. 1,524? What steps, if any, were taken against those through whose carelessness such over-payments occurred?

(e) Is it not a fact that measurement records were also deficient? Are Government satisfied that payments for works actually not done have not been made, and the Government have not sustained any loss in any way? Why could not the whole thing be measured again to the satisfaction of the proper authorities? Are Government satisfied that materials charged for in the bills have been actually used?

#### TECHNICAL APPRENTICES EMPLOYED IN THE PRESSES AT NASIK.

†139. **\*Mr. Gaya Prasad Singh:** Will Government kindly state the number of technical apprentices now employed in the Presses at Nasik, together with their names, daily wages, and the name of the communities to which they belong? Are not most of them Anglo-Indians?

#### APPLICATION OF THE FACTORY RULES TO THE CURRENCY NOTE PRESS, NASIK.

†140. **\*Mr. Gaya Prasad Singh:** (a) Are the Presses at Nasik governed by Factory Rules, and subject to inspection by Factory Inspectors?

(b) How many persons are intended to be accommodated, and how many persons are actually accommodated in the Currency Note Press? What is the floor-area of the Press? Of what material is the roof of the Press made? How does this material help to diminish or to add to the heat inside the press during the hot summer days?

(c) What are the arrangements for ventilation inside the Currency Note Press? Are the arrangements for ventilation adequate, and have they been testified to be so by the Factory Inspectors? If so, will a copy of the relevant portion of the inspection report be laid on the table? If not, do Government propose to have the ventilation arrangements approved of and testified to by a Factory Inspector?

(d) Is it not a fact that in such a big building, only about two dozen small holes at a height of about two feet from the ground level and narrow streaks of opening in the sky lights have been provided for ventilation for a

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†For answer to this question, see answer to question No. 127.



large number of men working inside? If so, do Government consider that such an arrangement will be sufficient and would meet the requirements of the men working inside?

(e) Are Government aware that such arrangement for ventilation is keenly suffered in the hot summer days, specially as the roof of the Press is made of thin corrugated asbestos sheets?

#### LEASE OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

141. **\*Mr. Gaya Prasad Singh:** Will Government kindly state when the lease of the Bombay, Baroda and Central India Railway last expired, and whether any extension was given to the Company, and for how long?

**Mr. P. R. Rau:** The contract of the Bombay, Baroda and Central India Railway Company originally provided for its determination at the end of 1930 or any succeeding fifth year. A supplemental agreement was entered into in 1913 by which this provision was cancelled and the contract was made determinable at the end of 1941 or any succeeding fifth year.

#### LEASE OF THE 'BENGAL NAGPUR RAILWAY.

142. **\*Mr. Gaya Prasad Singh:** Will Government kindly state whether any extension was given to the lease of the Bengal Nagpur Railway? If so, when; and when will its term expire?

**Mr. P. R. Rau:** The contract of the Bengal Nagpur Railway Company was extended in 1912. It is now terminable at the end of 1950 or of any succeeding fifth year.

#### TAKING OVER BY GOVERNMENT OF THE BENGAL AND NORTH WESTERN RAILWAY.

143. **\*Mr. Gaya Prasad Singh:** When do Government propose to take over the Bengal and North Western Railway?

**Mr. P. R. Rau:** Under the terms of the contract, which was recently entered into with the Bengal and North Western Railway, Government has the option of purchasing the Company's railway on the 31st December, 1937, or the 31st December, 1942, on giving 12 calendar months' previous notice in writing. The earliest date on which notice can be given is therefore nearly 4 years hence.

**Mr. K. Ahmed:** What is the attitude of the Government towards purchasing this Company-managed Railway?

**Mr. P. R. Rau:** It is a little premature to think of a situation that may arise four years hence. The present contract was entered into on the advice of a Select Committee of this House.

**Dr. Ziauddin Ahmad:** Is it not possible to give notice earlier than 1937?

**Mr. P. R. Rau:** No.

**Mr. N. M. Joshi:** May I ask why Government did not purchase this Railway especially when money is cheap now?

**Mr. P. R. Rau:** It was not cheap at the time when the contract fell due.

**Mr. K. Ahmed:** May I ask what is the proportion of the shares of Government in this Company-managed Railway?

**Mr. P. R. Rau:** Government do not hold any shares in this Railway.

**Mr. K. Ahmed:** What is the proportion of shares held by various private people?

**Mr. P. R. Rau:** All the shares are held by private people.

**Mr. K. Ahmed:** What is the proportion of Government peoples' shares?

**Mr. P. R. Rau:** So far as I am aware, Government do not hold any shares in the Bengal and North Western Railway.

**Mr. K. Ahmed:** What is the proportion of the shares held by Indians?

**Mr. P. R. Rau:** I am afraid I have no information on that point.

**Mr. K. Ahmed:** Will Government be pleased to make inquiries and lay a reply on the table, so that Members may be in a position to know how the matter stands?

**Mr. P. R. Rau:** The Company is incorporated in England and the information is not available here.

**Dr. Ziauddin Ahmad:** Is not the list of share-holders available?

**Mr. P. R. Rau:** Not in India, so far as I am aware.

**Mr. S. C. Mitra:** May I take it that there has been no reversal of policy as regards the State-management of Railways?

**Mr. P. R. Rau:** As I have already explained, this action with regard to the Bengal and North Western Railway was taken on the advice of a Select Committee of this House.

**Mr. Lalchand Navalrai:** Will the Honourable Member say whether there is a right in either party to waive the notice earlier.

**Mr. P. R. Rau:** The contract provides that Government have the option of purchasing the Railway on the 31st December, 1937, or five years later. There is no other option.

**Mr. Lalchand Navalrai:** Can not the Government negotiate with them to take it up earlier?

**Mr. P. R. Rau:** If the Company agrees.

**RACIAL DISCRIMINATION IN THE ISSUE OF PASSES TO THE TEACHING STAFF OF THE EAST INDIAN RAILWAY HIGH SCHOOLS.**

**144. \*Mr. Gaya Prasad Singh:** (a) Is it a fact that the East Indian Railway maintains a big school for the Europeans at Mussoorie, called the Oakgrove School, and that the Principal, Head Master, and three Assistants are allowed first class passes?

(b) Is it a fact that the East Indian Railway maintains five High Schools for Indians, of the same standard as the Oakgrove School, and that the Head Masters of these five High Schools have better scales of pay than the three Assistants of the Oakgrove School, but the Indian Head Masters are allowed only second class passes? If so, why? When do Government propose to remove this racial discrimination?

(c) What are the scales of pay of the staff of the Oakgrove School, and of the other five schools?

**Mr. P. R. Rau:** (a) Yes.

(b) and (c). The East Indian Railway maintains five High Schools for Indians. Oakgrove School is a High School for both boys and girls, but it differs from the Indian High Schools in being entirely a boarding school. The scales of pay of the teaching staff of the Oakgrove School and the staff of the five Indian High Schools are different and I place on the table a statement giving the relevant figures, but I must add that the scales are not directly comparable as the teaching staff of Oakgrove School are given board and lodging free. I understand the present staff of Oakgrove School have enjoyed first class passes since their appointment in the days when the East Indian Railway was under Company management. These first class passes are therefore treated as personal to them and not necessarily admissible to their successors.

*Statement showing the scales of pay of teaching staff.*

| Indian High Schools.   | Oakgrove School, Mussoorie.   |
|--|---|
| Asansol—Rs. 250—250—300—40/2—500—50/2—800, efficiency bars at Rs 460 and Rs. 650.  | Head Master, Boys' School—Rs. 475—25—500 plus Rs. 50 overseas allowance.    |
| Sahibganj, Jamalpur and Dinapore,—Rs. 250—40/2—450—50/2—550.   | First Assistant Master—Rs. 300—25—425 plus overseas allowance Rs. 50.       |
| Tundla—Rs. 250—50/2—300—25—675. Selection grade Rs. 700—50—800 <i>re</i> scale for the present incumbent being untrained is Rs. 250—15—350—25—650. | Head Mistress, Girls' School—Rs. 250—25—350 plus overseas allowance Rs. 50. |
|  | Head Mistress, Junior School—Rs. 250—25—350.                                |

**Dr. Ziauddin Ahmad:** May I ask whether the Railway Department has got any definite rule corresponding to the rules in the other departments saying that persons drawing certain salaries are entitled in first class, and so on.

**Mr. P. R. Rau:** Yes, there are definite rules on the subject.

**Dr. Ziauddin Ahmad:** Are these rules the same as in other departments?

**Mr. P. R. Rau:** The question does not arise in other departments, because employees in other departments are not allowed passes.

**Dr. Ziauddin Ahmad:** They should be allowed passes in the particular class for which they are entitled according to salary, and, if so, are the rules the same as in other departments?

**Mr. P. R. Rau:** Not necessarily. I believe there is some difference.

**Dr. Ziauddin Ahmad:** The Railway Department always claimed that their cut in salaries should be the same as the cut in the other departments, in spite of the fact that it is a losing concern, but, in the matter of privileges, they want to have their own rules. Is it consistent? Can they have both ways?

**Mr. P. R. Rau:** As my Honourable friend knows, the cut is not the same as in other departments.

**Dr. Ziauddin Ahmad:** The Honourable Sir George Rainy on the floor of the House clearly said that he would not agree to any cut in the Railway Department which was different from the cut applicable to other departments, and is it not desirable that, in the matter of concessions in travelling, they should have the same concession as is given in other departments.

**Mr. P. R. Rau:** I suggest that as this question might lead to a debate, it could be more definitely taken up during the Railway Budget discussion.

**Mr. S. C. Mitra:** Is it not a fact that railway officials are considered as a privileged class so far as passes as regards Government servants generally are concerned?

**Mr. P. R. Rau:** I believe it is the practice in all railways that I am aware of that railway staff are given certain concessions with regard to travelling.

**Dr. Ziauddin Ahmad:** Is it not a fact that the Honourable Member for Railways refused to allow the Superintendents of Post Offices first class fare simply on the ground that the people drawing the same salary in other departments were not allowed first class? Will he apply that strictly to the railways as well?

**The Honourable Sir Joseph Bhoré:** I am not quite clear whether the Honourable Member was referring to me or to the Industries and Labour Member?

**Dr. Ziauddin Ahmad:** I refer to the Honourable Member in charge of the Railway Department. When he was in charge of the post offices, he said on the floor of the House that the Superintendents of Post Offices should not be allowed first class passes on the ground that their salaries did not justify it, though their position was very important. Would he apply the same principle now to the railways?

**The Honourable Sir Joseph Bhoré:** I am not acquainted with the details of this case. I do not know what concessions are given to what officers, but I shall certainly look into this matter. I cannot commit myself to following any particular principle and I cannot tie myself down to follow the principle mentioned by my Honourable friend, but I will look into the matter.

**Dr. Ziauddin Ahmad:** Thank you very much.

**Mr. C. S. Ranga Iyer:** Will Government be pleased to consider the advisability of abolishing these passes and the substitution therefor of something of the nature of travelling allowances?

**The Honourable Sir Joseph Bhoré:** Well, Sir, that raises a rather important question, and my Honourable friend must realize that I cannot give a reply straight off on the spur of the moment in a matter which raises a very important question.

**Mr. Gaya Prasad Singh:** Is it not a fact that the standard of all these five Indian schools is equal to that of the Oakgrove School?

**Mr. P. R. Rau:** I believe the educational standard is the same, but there is a difference in the character of the schools—the Oakgrove School is a boarding school.

**Mr. Gaya Prasad Singh:** May I know if a gentleman by name Mr. Smith probably was asked to look into the matter of the transfer of the five Indian schools to private interests, but that they have excluded from the purview of their inquiry the status of the schools?

**Mr. P. R. Rau:** That subject comes on later in the subsequent answers and I would ask my Honourable friend to wait for my reply.

#### UNEMPLOYMENT PROBLEM IN INDIA.

145. **\*Pandit Satyendra Nath Sen:** (a) Has the question of unemployment been engaging the attention of Government?

(b) If so, have they been able to evolve any scheme of remedy?

(c) If the answer to part (b) is in the negative, do Government propose to appoint a committee for considering the question?

(d) If not, why not?

**The Honourable Sir Frank Noyce:** (a) and (b). The question has engaged a considerable amount of attention from Local Governments, whom it primarily concerns, and proposals for alleviating unemployment have been evolved by committees appointed by several provincial Governments.

(c) and (d). Do not arise.

#### STANDARDS OF FILM CENSORSHIP.

146. **\*Pandit Satyendra Nath Sen:** (a) What is the standard for deciding the 'moral tone' of a film?

(b) Are Government aware that the European and Indian standards of morality differ materially in some matters such as kissing, etc.?

(c) In deciding the moral tone, do the Film Censor Committee attach equal weight to the two standards?

(d) Do the Committee take into consideration only the story of the film, or the dresses in which the actors and actresses, specially the latter, appear and the manner in which they play their respective parts as well?

**The Honourable Sir Harry Haig:** I would refer the Honourable Member to paragraphs 241 to 248, 246 and 252 of the Report of the Indian Cinematograph Committee which deal with this question and to the canons of Censorship which are set out in Appendix G to that Report. These principles are taken into consideration by the Censorship Boards, which include both Europeans and Indians.

**SELECTION OF INDIANS FOR THE JOINT PARLIAMENTARY COMMITTEE ON THE NEW CONSTITUTION FOR INDIA.**

**147 \*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state when the papers regarding the new constitution for India will be placed before the Joint Parliamentary Committee?

(b) What will be the procedure for selection of the Indians to sit in the deliberations with the Joint Parliamentary Committee?

(c) Will such Indian members have a right to vote in the Joint Parliamentary Committee?

**The Honourable Sir Brojendra Mitter:** (a) and (b). These are matters for His Majesty's Government and the Government of India are unable to give any information at present.

(c) I would refer the Honourable Member to the statement made by the Secretary of State in the House of Commons on the 27th June, 1932, to which there is at present nothing to add.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if Government have got any idea as to how the Members are to be selected or elected from the Assembly?

**The Honourable Sir Brojendra Mitter:** No, Sir.

**Mr. K. Ahmed:** May I ask how it is then that His Excellency the Viceroy made a statement on the opening day of the Assembly that it was quite certain that some Members of the Legislature would be taken in and would participate in the deliberations of the Joint Committee of both the Houses in England?

**An Honourable Member:** Not you.

**Mr. K. Ahmed:** Well, it does not pay me even a quarter of it. But how they will take part in the discussions while this Bill will be under consideration in the Joint Committee of Members of the both Houses of Parliament? Will they be elected or nominated?

**The Honourable Sir Brojendra Mitter:** That question does not arise.

**Mr. N. N. Anklesaria:** Have Government made any proposals in this connection to the British Government?

**The Honourable Sir Brojendra Mitter:** Not that I am aware of.

**Mr. Lalchand Navalrai:** Why is not the Honourable Member in a position to know it?

**The Honourable Sir Brojendra Mitter:** This is a matter which does not directly concern the Government of India. It is for His Majesty's Government, and what decision His Majesty's Government may take in the matter is not known.

**Mr. Lalchand Navalrai:** We take it that the Government of India are always consulted in matters like this beforehand, and the question is whether the Government of India have been consulted.

**The Honourable Sir Brojendra Mitter:** So far as I am aware, the Government of India have not been consulted.

#### INTRODUCTION OF THE NEW CONSTITUTION IN THE PROVINCES AND IN THE CENTRAL GOVERNMENT.

148. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state when the new constitution will be actually introduced in the Provinces and the Central Government in India respectively?

(b) When will the new general elections take place in the Provinces and for the Central Government in India respectively?

**The Honourable Sir Brojendra Mitter:** (a) and (b). It is not yet possible to give any definite dates, but I would refer the Honourable Member to the statement made by the Secretary of State at the close of the third Session of the Indian Round Table Conference which is contained in the proceedings of the Conference already supplied to Honourable Members.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to reply more fully to part (b) of the question with regard to the new general elections?

**The Honourable Sir Brojendra Mitter:** That matter is still under consideration.

**Mr. Lalchand Navalrai:** Can there be any idea given of the probable date so that the Assembly Members may know it? It is of great importance to them.

**The Honourable Sir Brojendra Mitter:** No, Sir.

#### RELEASE OF MR. GANDHI AND OTHER POLITICAL PRISONERS.

149. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state how many political prisoners convicted and detained for Civil Disobedience are at present confined in jails in India?

(b) When do Government propose to release Mahatma Gandhi and the other aforesaid prisoners in order to restore peace and order in India?

**The Honourable Sir Harry Haig:** (a) The number of persons convicted in connection with civil disobedience who were in jail on the 31st December, 1932, the latest date for which figures are available, was 14,815.

(b) Government do not see any reason to modify their policy.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state whether, now that Mahatma Gandhi has got all his attention and energies concentrated on the temple entry question, there will be any objection, in order to secure the restoration of peace and to carry on good Government, to consulting Mahatma Gandhi and doing something in the way suggested in this question?

**The Honourable Sir Harry Haig:** I do not quite understand what my Honourable friend means about consulting Mr. Gandhi. I think Mr. Gandhi is very fully aware of the position of the Government.

**Mr. N. N. Anklesaria:** Do Government admit the implication contained in part (b) of the question that the release of Mahatma Gandhi will restore peace and order in India?

**The Honourable Sir Harry Haig:** I should certainly not be prepared to accept that suggestion, Sir, unless it were accompanied by a clear repudiation of the policy of civil disobedience.

#### POSTS OF CLERKS AND ASSISTANT INCOME-TAX OFFICERS IN THE NORTHERN RANGE OF THE MADRAS PRESIDENCY.

150. **\*Mr. B. N. Misra:** Will Government be pleased to state:

- (a) the number of clerks' and Assistant Income-tax officers' posts newly created for the Northern Range in the Madras Presidency from December, 1931, after reducing the taxable limit to Rs. 1,000 in each of the Districts;
- (b) the number of Oriya clerks and Income-tax officers in each of the districts of Ganjam and Vizagapatam where there are Oriya assesses;
- (c) the proportion of Oriya hands to Telugus in each of these two Districts in both the cadres;
- (d) the reason why Oriya hands have not been taken as Assistant Income-tax officers either by promotion or by direct recruitment; and
- (e) the action proposed to be taken in recruiting Oriya hands to check the accounts, etc., to allay the difficulties of the Oriya Assessses?

**The Honourable Sir George Schuster:** (a) to (e). The information is being obtained and will be laid on the table on receipt.



## SEPARATE PROVINCES FOR SIND AND ORISSA.

151. \*Mr. B. N. Misra: Will Government be pleased to state:

- (a) whether they have received any communication from the Secretary of State intimating the declaration of His Majesty's Government regarding the creation of separate provinces for Sindh and Orissa;
- (b) whether they will be pleased to lay the said communication on the table;
- (c) whether the same has been considered by His Excellency the Governor General in Council;
- (d) the date when Government propose to issue the notification under section 60 of the Government of India Act of 1919 in each of the above cases;
- (e) what further steps are proposed to be undertaken before the close of March, 1933, to give effect to the said declaration; and
- (f) whether they will be pleased to lay on the table any correspondence they had with the Governments of Madras and Bihar and Orissa after the said declaration?

**The Honourable Sir Brojendra Mitter:** (a) to (f). I invite the Honourable Member's attention to the Secretary of State's statement made on the subject at the conclusion of the last Round Table Conference. I have at present nothing to add to that statement.

WATER-LOGGED BOMBAY, BARODA AND CENTRAL INDIA RAILWAY  
EMBANKMENT IN THE DISTRICT OF BROACH.

152. \*Mr. M. Maswood Ahmad (on behalf of Nawab Naharsingji Ishwarsingji): (a) Are Government aware of the fact that all the land of villages Andada, Chhapra and Samor of District Broach lying to the east of the railway embankment remains water-logged for the greater part of the monsoon season and for months thereafter on account of the embankment of the N. E. main line of the Bombay, Baroda and Central India Railway at miles 201 and 202 acting as a dam and that very great damage is caused to the arable land of these villages and to the villagers' interest?

(b) Will Government be further pleased to state whether it is a fact that there were three culverts on this section of the Railway but these were closed down later and that the approach channels to each of these culverts are still existing, but they serve no useful purpose on account of the closure of these culverts and on account of the construction of various cross-bunds by the Railway Company to the east of and perpendicular to the railway embankment in this section?

(c) Are Government prepared to issue necessary orders to the railway authorities concerned to take very early steps to remove the aforesaid difficulties of the above villages?

**Mr. P. R. Rau:** Government have no information, but are sending a copy of the question to the Agent, Bombay, Baroda and Central India Railway, for any action that he may consider necessary.

**EXTENSION OF THE AGE-LIMIT OF CANDIDATES FOR ADMISSION TO THE INDIAN SERVICE OF ENGINEERS' COMPETITIVE EXAMINATION HELD IN INDIA BY THE PUBLIC SERVICE COMMISSION.**

153. \***Mr. M. Maswood Ahmad** (on behalf of Nawab Naharsingji Ishwarsingji): (a) Are Government aware that the age limit of candidates for admission to the Indian Service of Engineers' competitive examination held in India by the Public Service Commission was relaxed by the Government of India in 1929?

(b) Are Government aware that the aforesaid examination was not held in 1932 by the Public Service Commission?

(c) If the answers to parts (a) and (b) are in the affirmative, are Government prepared to extend the age limit for admission to the said examination in order to give a fair chance to those candidates who could not get an opportunity to compete because it was not held last year?

**The Honourable Sir Frank Noyce:** (a) Yes. The condition as to age-limit was relaxed only in respect of the examination which was held in 1930 in the case of Indian students who had undergone a course of Engineering outside India and who had not attained the age of 26 years on the 1st August, 1929.

(b) Yes.

(c) The question does not arise at present as further recruitment to the Service has been suspended pending a decision on the recommendation of the Services Sub-Committee of the Indian Round Table Conference that the Irrigation Branch of the Service should be provincialised.

**INCONVENIENCE CAUSED TO THE PUBLIC BY THE CLOSING OF THE TRAIN SERVICE FROM BHAPTIAHI TO RAGHOPUR ON THE BENGAL AND NORTH WESTERN RAILWAY.**

154. \***Kumar Gupteshwar Prasad Singh** (on behalf of Mr. Bhuput Sing): (a) Will Government be pleased to state whether they are aware that great inconvenience is being caused to the public by the closing of train service from Bhaptiahi to Raghapur on the Bengal and North Western Railway in North Bhagalpur since the last ten years?

(b) Is it a fact that the Kosi has shifted its course and now there is no danger if the line be reinstated? Is it a fact that the primary cause for which the line was removed has passed away?

(c) Has there been any correspondence between Government and the Agent of the Bengal and North Western Railway, on the subject of reopening the line? If so, what?

(d) What is the general policy of Government on the matter?

**Mr. P. R. Rau:** I have called for information and will place a reply on the table in due course.

**ATTACHMENT OF GOODS WAGONS WITH PASSENGER TRAINS ON THE BHAGALPUR-BARARI GHAT BRANCH OF THE BENGAL AND NORTH WESTERN RAILWAY.**

155. \***Mr. Bhuput Sing:** (a) Will Government be pleased to state whether they are aware that in Bhagalpur-Barari Ghat Branch of the Bengal and North Western Railway, goods wagons are attached in the front in

morning trains, so that trains with passengers are made to stand near the goods godown for half an hour in order to detach the front portion, which causes unnecessary delay to passengers in reaching Bhagalpur station?

(b) If so, are Government prepared to ascertain from the Agent why goods trains are attached with passenger trains instead of each being carried separately by different engines? If such attachment be absolutely indispensable, what is the objection to attaching the goods wagons in the back portion instead of in the front of passenger trains?

(c) Why is there no arrangement for attaching to and detaching from trains on the station platform?

**Mr. P. R. Rau:** (a) Government are informed that goods wagons are attached to all trains on the Bhagalpur-Barari Ghat Branch of the Bengal and North Western Railway, but that the statement that the morning train is detained for shunting at the goods station for half an hour before reaching Bhagalpur (Kacheri) station is incorrect.

(b) The traffic on this branch is not sufficient to justify the running of separate passenger and goods trains. Goods wagons are usually attached in front to facilitate shunting and in the interests of safety.

(c) It is presumed the Honourable Member wishes to know why goods wagons cannot be detached at Bhagalpur (Kacheri) passenger station and subsequently shunted to the goods station which is half a mile away. I am sending a copy of the question together with its reply to the Agent, Bengal and North Western Railway, to enable him to take any steps which may be practicable and which he may consider necessary to remove the alleged grievance complained of.

#### TIME AND PLACE OF HOLDING OFFICES BY THE INCOME-TAX OFFICERS.

156. **\*Mr. Bhuput Sing:** (a) Are Government aware that it has become the practice with Income-tax Officers to hold offices on holidays and important festivals and after court hours much to the inconvenience of assesseees?

(b) Are any time limits fixed for holding offices or not?

(c) What is the aim and purpose of the tours which the Income-tax Officers make in the interior? Is it intended that the assesseees may not bring lawyers to represent them at the hearing by holding offices in the moffussil?

(d) Is it a fact that in some cases, the moffussil offices are held on tour at such places which are at a greater distance from the residences of the assesseees than the Sudder?

(e) Are there any definite rules and instructions by the Central Board of Revenue in the matter? If not, are Government prepared to ask the Board to issue rules and instructions to all Commissioners asking them to see that the convenience of the assesseees is considered as the prime factor in deciding the time and place of holding offices?

**The Honourable Sir George Schuster:** (a) Government have no information but it is possible that in order not to detain assesseees, an Income-tax Officer may have worked after office hours or on holidays. Assesseees always want to be relieved as early as possible and for the sake of their convenience, an officer might have worked thus.

(b) Yes.

(c) The aim and purpose of the tours are to make assessments as near the place of residence of assesses as possible. The answer to the latter part of the question is in the negative.

(d) Government have no information but attention is invited to the instructions issued by the Central Board of Revenue in this connection.

(e) A copy of the instructions issued by the Central Board of Revenue is laid on the table.

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CIRCULAR BY THE GOVERNMENT OF INDIA, CENTRAL BOARD OF REVENUE, No. 4171, DATED SIMLA, THE 10TH SEPTEMBER, 1924, TO ALL COMMISSIONERS OF INCOME-TAX.

*Appeals—Assistant Commissioner—Place of hearing.*

As regards the question whether it was necessary for an Assistant Commissioner to tour in the several districts under his charge for the purpose of disposing of appeals in the districts in which the respective appellants resided, the Central Board of Revenue considers that in regard to this matter the convenience of the appellant should be consulted as far as possible. It may be that an appellant would prefer to have his appeal heard at the headquarters of the Assistant Commissioner, owing perhaps to the fact that he would be able to secure better legal assistance there. If so, the Assistant Commissioner should hear the appeal, if possible, at his own headquarters. If, on the other hand, the appellant prefers that an appeal should be heard at some place in his own district where it is convenient for the Assistant Commissioner to camp, and if undue delay or congestion of business will not be caused by the Assistant Commissioner's arranging to hear the appeal at such place, the Assistant Commissioner should meet the appellant's wishes.

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CIRCULAR BY THE GOVERNMENT OF INDIA, CENTRAL BOARD OF REVENUE, No. 4172, DATED SIMLA, THE 10TH SEPTEMBER, 1924, TO ALL COMMISSIONERS OF INCOME-TAX.

*Touring—General principles regarding arrangement of Tours.*

In regard to touring the following principles should be kept in view by all officers of the Department in order to minimise the inconvenience that may be caused to appellants or their representatives:

- (1) Tours should be planned so as to include halts of reasonable length at convenient centres, and as far as possible cases should be posted at such centres;
- (2) As far as possible, tours should be conducted leisurely. Tours should not be unduly hurried and halts should be made at places where strangers can find accommodation and other conveniences;
- (3) Every endeavour should be made to publish tour programmes so that an officer's daily movements, while on tour, may be known to all concerned. No more work, whether it be revisional or appellate or assessment work, including the examination of accounts, should be posted to any one place or date than is reasonably likely to be disposed of, and sufficient time should be allowed for each item of work.
- (4) Officers should make every endeavour to avoid dragging people after them from place to place.

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**ALLEGATIONS OF LATHI-CHARGE ON DETENUS IN THE DEOLI DETENTION CAMP.**

157. \*Mr. Bhuput Sing: (a) Will Government be pleased to state whether their attention has been drawn to the news published in the *Advance* of 3rd January, 1932, under the heading "General lathi-charge on detenus" regarding what happened in Deoli Detention Camp?

(b) Is it a fact that it has contradicted the statement of the Honourable the Home Member made in the Legislative Assembly in the last Session as incorrect and misleading?

(c) What reply have Government published as a rejoinder to it? If not, why not?

**The Honourable Sir Harry Haig:** (a) Government have seen the statement.

(b) and (c). As I stated in answer to Mr. S. C. Mitra's short notice question on the 1st December last, the Government are satisfied that the facts are as given by me, and no further action is necessary.

**MUSLIM SUBORDINATE STAFF, EXCLUDING ACCOUNTS OFFICES, ON THE EAST INDIAN RAILWAY.**

†158. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total subordinate staff, excluding those in the accounts offices, employed on the East Indian Railway on the 31st March, 1931, was 21,377?

(b) Is it a fact that the communal composition of the subordinate staff on the East Indian Railway on the 31st March, 1931, was:

Hindus 14,886 in number, 67·3 per cent.

Muslims 3,735 in number, 17·47 per cent.

Europeans *cum* Anglo-Indians 2,950, 13·80 per cent.

Indian Christians 182 in number, ·85 per cent.

Others 124 in number, ·58 per cent.?

(c) Will Government be pleased to state the communal composition of the subordinate staff, excluding those in the accounts offices, on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE CLERICAL POSTS, EXCLUDING ACCOUNT OFFICES, ON THE EAST INDIAN RAILWAY.**

†159. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of clerical posts, excluding those in the accounts offices, on the East Indian Railway on the 31st March, 1931, was 5,171?

(b) Is it a fact that the communal composition of the clerical staff on the East Indian Railway on the 31st March, 1931, was:

Hindus 4,456 in number, 86·17 per cent.

Muslims 506 in number, 9·79 per cent.

Europeans *cum* Anglo-Indians 154 in number, 2·96 per cent.

Indian Christians 47 in number, ·91 per cent.

Others 8 in number, ·15 per cent.?

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†For answer to this question, see answer to question No. 20.

(c) Will Government be pleased to state the communal composition of the clerical staff, excluding those in the accounts offices, on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts, mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE CLERICAL POSTS, EXCLUDING ACCOUNTS OFFICES, ON THE EAST INDIAN RAILWAY.**

†160. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of clerical posts on a scale of pay of Rs. 150 or more (excluding accounts offices) on the East Indian Railway on the 31st March, 1931, was 220?

(b) Is it a fact that the communal composition of the clerical staff, excluding those in accounts offices, on a minimum pay of Rs. 150 or more on the East Indian Railway on the 31st March, 1931, was:

Hindus 141 in number, 64·09 per cent.

Muslims 6 in number, 2·72 per cent.

Europeans *cum* Anglo-Indians 72 in number, 32·73 per cent.

Indian Christians 1 in number, ·46 per cent.?

(c) Will Government be pleased to state the communal composition of the clerical staff, excluding those in the accounts offices, on a scale of pay of Rs. 150 or more on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts, mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT (TRAFFIC) OF THE EAST INDIAN RAILWAY.**

†161. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Transportation (Traffic) staff employed on the 31st March, 1931, in the East Indian Railway was 6,095?

(b) Is it a fact that the communal composition of the Transportation (Traffic) staff on the East Indian Railway on the 31st March, 1931, was:

Hindus 4,861 in number, 71·55 per cent.

Muslims 781 in number, 12·81 per cent.

Europeans *cum* Anglo-Indians 902 in number, 14·80 per cent.

Indian Christians 34 in number, ·56 per cent.

Others 17 in number, ·28 per cent.?

(c) Will Government be pleased to state the communal composition of the Transportation (Traffic) staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

†For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(TRAFFIC) OF THE EAST INDIAN RAILWAY.**

†162. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Transportation (Traffic) staff on a scale of pay of Rs. 150 or more employed on the East Indian Railway on the 31st March, 1931, was 947?

(b) Is it a fact that the communal composition of the Transportation (Traffic) staff on a minimum pay of Rs. 150 or more on the East Indian Railway on the 31st March, 1931, was:—

Hindus 40 in number, 11.53 per cent.

Muslims 7 in number, 2.01 per cent.

Europeans *cum* Anglo-Indians 298 in number, 85.88 per cent.

Indian Christians, Nil.

Others 2 in number, .58 per cent.?

(c) Will Government be pleased to state the communal composition of the Transportation (Traffic) staff on a scale of pay of Rs. 150 or more employed on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE COMMERCIAL DEPARTMENT OF THE  
EAST INDIAN RAILWAY.**

†163. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the number of total posts in Commercial Department on the East Indian Railway on the 31st March, 1931, was 4,661?

(b) Is it a fact that the communal composition of the Commercial Department staff on the East Indian Railway on the 31st March, 1931, was:

Hindus 3,524 in number, 75.61 per cent.

Muslims 840 in number, 18.02 per cent.

Europeans *cum* Anglo-Indians 228 in number, 4.89 per cent.

Indian Christians 32 in number, .69 per cent.

Others 37 in number, .79 per cent.

(c) Will Government be pleased to state the communal composition of the Commercial Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b).

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE COMMERCIAL DEPARTMENT OF THE EAST  
INDIAN RAILWAY.**

†164. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Commercial Department staff on a scale of Rs. 150 or more employed on the East Indian Railway on the 31st March, 1931, was 116?

†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the Commercial Department staff on a minimum pay of Rs. 150 or more on the East Indian Railway on the 31st March, 1931, was:

Hindus 39 in number, 33.62 per cent.

Muslims 14 in number, 12.07 per cent.

Europeans *cum* Anglo-Indians 60 in number, 51.72 per cent.

Indian Christians 1 in number, .88 per cent.

Others 2 in number, 1.73 per cent.?

(c) Will Government be pleased to state the communal composition of the Commercial Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b).

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(POWER) OF THE EAST INDIAN RAILWAY.**

†165. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Transportation (Power) Department staff employed on the East Indian Railway on the 31st March, 1931, was 2,718?

(b) Is it a fact that the communal composition of the Transportation (Power) Department staff on the East Indian Railway on the 31st March, 1931, was:

Hindus 752 in number, 27.67 per cent.

Muslims 1,216 in number, 44.74 per cent.

Europeans *cum* Anglo-Indians 719 in number, 26.45 per cent.

Indian Christians 22 in number, .81 per cent.

Others 9 in number, .33 per cent.?

(c) Will Government be pleased to state the communal composition of the Transportation (Power) Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b).

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(POWER) OF THE EAST INDIAN RAILWAY.**

†166. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Transportation (Power) Department staff on a scale of pay of Rs. 150 or more employed on the East Indian Railway on the 31st March, 1931, was 455?

(b) Is it a fact that the communal composition of the Transportation (Power) Department staff on a minimum pay of Rs. 150 or more on the East Indian Railway on the 31st March, 1931, was:

Hindus Nil.

Muslims Nil.

Europeans *cum* Anglo-Indians 452 in number, 99.27 per cent.

Indian Christians Nil.

Others 3 in number?

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†For answer to this question, see answer to question No. 20.



(c) Will Government be pleased to state the communal composition of the Transportation (Power) Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE CARRIAGE DEPARTMENT OF THE EAST INDIAN RAILWAY.**

†167. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Carriage Department staff employed on the East Indian Railway on the 31st March, 1931, was 863?

(b) Is it a fact that the communal composition of the Carriage Department staff on the East Indian Railway on the 31st March, 1931, was:

Hindus 540 in number, 62.57 per cent.

Muslims 218 in number, 25.26 per cent.

Europeans *cum* Anglo-Indians 67 in number, 7.77 per cent.

Indian Christians 21 in number, 2.43 per cent.

Others 17 in number, 1.97 per cent.?

(c) Will Government be pleased to state the communal composition of the Carriage Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE CARRIAGE DEPARTMENT OF THE EAST INDIAN RAILWAY.**

†168. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Carriage Department staff on a scale of pay of Rs. 150 or more employed on the East Indian Railway on the 31st March, 1931, was 58?

(b) Is it a fact that the communal composition of the Carriage Department staff on a minimum pay of Rs. 150 or more on the East Indian Railway on the 31st March, 1931, was:

Hindus 12 in number, 20.69 per cent.

Muslims 7 in number, 12.07 per cent.

Europeans *cum* Anglo-Indians 35 in number, 60.34 per cent.

Indian Christians Nil.

Others 4 in number, 6.9 per cent.?

(c) Will Government be pleased to state the communal composition of the Carriage Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

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†For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE MECHANICAL ENGINEERING DEPARTMENT OF THE EAST INDIAN RAILWAY.**

†169. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Mechanical Engineering Department staff employed on the East Indian Railway on the 31st March, 1931, was 930?

(b) Is it a fact that the communal composition of the Mechanical Engineering Department staff on the East Indian Railway on the 31st March, 1931, was:

Hindus 243 in number, 26.13 per cent.

Muslims 59 in number, 6.34 per cent.

Europeans *cum* Anglo-Indians 600 in number, 64.52 per cent.

Indian Christians 10 in number, 1.08 per cent.

Others 18 in number, 1.93 per cent.?

(c) Will Government be pleased to state the communal composition of the Mechanical Engineering Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE MECHANICAL ENGINEERING DEPARTMENT OF THE EAST INDIAN RAILWAY.**

†170. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Mechanical Engineering Department staff on a scale of pay of Rs. 150 or more employed on the East Indian Railway on the 31st March, 1931, was 531?

(b) Is it a fact that the communal composition of the Mechanical Engineering Department staff on a minimum pay of Rs. 150 or more on the East Indian Railway on the 31st March, 1931, was:

Hindus 57 in number, 10.73 per cent.

Muslims 12 in number, 2.26 per cent.

Europeans *cum* Anglo-Indians 453 in number, 83.31 per cent.

Indian Christians 3 in number, .57 per cent.

Others 6 in number, 1.13 per cent.?

(c) Will Government be pleased to state the communal composition of the Mechanical Engineering Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE CIVIL ENGINEERING DEPARTMENT (WAYS AND WORKS) OF THE EAST INDIAN RAILWAY.**

†171. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Civil Engineering Department (Ways and Works) staff employed on the East Indian Railway on the 31st March, 1931, was 450?

(b) Is it a fact that the total communal composition of the Civil Engineering Department (Way and Works) staff on the East Indian Railway on the 31st March, 1931, was—

Hindus 213 in number, 47.33 per cent.

Muslims 30 in number, 6.67 per cent.

Europeans *cum* Anglo-Indians 188 in number, 41.78 per cent.

Indian Christians 6 in number, 1.33 per cent.

Others 13 in number, 2.89 per cent.?

(c) Will Government be pleased to state the communal composition of the Civil Engineering Department (Way and Works) staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE CIVIL ENGINEERING DEPARTMENT (WAY AND WORKS) OF THE EAST INDIAN RAILWAY.

†172. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Civil Engineering Department (Way and Works) staff on a scale of pay of Rs. 150 or more employed on the East Indian Railway on the 31st March, 1931, was 306?

(b) Is it a fact that the communal composition of the Civil Engineering Department (Way and Works) staff on a minimum pay Rs. 150 or more on the East Indian Railway on the 31st March, 1931, was:

Hindus 117 in number, 38.24 per cent.

Muslims 12 in number, 3.92 per cent.

Europeans *cum* Anglo-Indians 163 in number, 53.27 per cent.

Indian Christians 3 in number, .98 per cent.

Others 11 in number, 3.59 per cent.?

(c) Will Government be pleased to state the communal composition of the total in Civil Engineering Department (Way and Works) staff on the East Indian Railway, on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE STORES DEPARTMENT OF THE EAST INDIAN RAILWAY.

†173. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Stores Department staff employed on the East Indian Railway on the 31st March, 1931, was 147?

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†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the Stores Department staff on the East Indian Railway on the 31st March, 1931, was:

Hindus 82 in number, 55·78 per cent.

Muslims 12 in number, 8·16 per cent.

Europeans *cum* Anglo-Indians 47 in number, 31·98 per cent.

Indian Christians 5 in number, 3·4 per cent.

Others 1 in number, ·68 per cent.?

(c) Will Government be pleased to state the communal composition of the Stores Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

EMPLOYMENT OF MUSLIMS IN THE STORES DEPARTMENT OF THE EAST INDIAN RAILWAY.

†174. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Stores Department staff on a scale of pay of Rs. 150 or more employed on the East Indian Railway on the 31st March, 1931, was 67?

(b) Is it a fact that the communal composition of the Stores Department staff on a minimum pay of Rs. 150 or more on the East Indian Railway, on the 31st March, 1931, was:

Hindus 23 in number, 34·33 per cent.

Muslims 2 in number, 2·99 per cent.

Europeans *cum* Anglo-Indians 41 in number, 61·19 per cent.

Indian Christians 1 in number, 1·49 per cent.

Others Nil.

(c) Will Government be pleased to state the communal composition of the Stores Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

EMPLOYMENT OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE EAST INDIAN RAILWAY.

†175. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total Medical Department staff employed on the East Indian Railway, on the 31st March, 1931, was 235?

(b) Is it a fact that the communal composition of the Medical Department staff on the East Indian Railway on the 31st March, 1931, was:

Hindus 178 in number, 75·74 per cent.

Muslims 51 in number, 21·7 per cent.

Europeans *cum* Anglo-Indians 3 in number, 1·28 per cent.

Indian Christians 3 in number, 1·28 per cent.?

†For answer to this question, see answer to question No. 20.

(c) Will Government be pleased to state the communal composition of the Medical Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE EAST INDIAN RAILWAY.**

†176. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Medical Department staff on a scale of pay of Rs. 150 or more employed on the East Indian Railway on the 31st March, 1931, was 29?

(b) Is it a fact that the communal composition of the Medical Department staff on a minimum pay of Rs. 150 or more on the East Indian Railway on the 31st March, 1931, was:

Hindus 23 in number, 79·31 per cent.

Muslims 2 in number, 6·9 per cent.

Europeans *cum* Anglo-Indians 3 in number, 10·35 per cent.

Indian Christians 1 in number, 3·44 per cent.?

(c) Will Government be pleased to state the communal composition of the Medical Department staff on the East Indian Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE WATCH AND WARD DEPARTMENT OF THE EAST INDIAN RAILWAY.**

†177. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Watch and Ward Department subordinate staff, employed on the East Indian Railway, on the 31st March, 1931, was 52?

(b) Is it a fact that the communal composition of the Watch and Ward Department subordinate staff on the East Indian Railway, on the 31st March, 1931, was:-

Hindus 12 in number, 23·08 per cent.

Muslims 12 in number, 23·08 per cent.

Europeans *cum* Anglo-Indians 28 in number, 53·84 per cent.?

(c) Will Government be pleased to state the communal composition of the Watch and Ward Department staff on the East Indian Railway, on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE WATCH AND WARD DEPARTMENT OF THE EAST INDIAN RAILWAY.**

†178. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total Watch and Ward Department staff on a scale of pay of Rs. 150 or more employed on the East Indian Railway, on the 31st March, 1931, was 16?

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†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the Watch and Ward Department staff on a minimum pay of Rs. 150 or more on the East Indian Railway, on the 31st March, 1931, was:-

Hindus 1 in number, 6.25 per cent.

Muslims 4 in number, 25.00 per cent.

Europeans *cum* Anglo-Indians 11 in number, 68.75 per cent.?

(c) Will Government be pleased to state the communal composition of the Watch and Ward Department staff on the East Indian Railway, on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take so that Muslims may get their due share of the posts mentioned in part (a)?

#### RAILWAY PASSES ALLOWED TO THE HEADMISTRESS OF THE OAKGROVE SCHOOL.

179. **\*Mr. M. Maswood Ahmad:** With reference to starred question No. 809 of the 26th September, 1932, regarding railway passes allowed to the Head Mistress of the Oakgrove School, have Government received the reply from the Agent, East Indian Railway?

**Mr. P. R. Rau:** The Agent of the East Indian Railway has replied that the teaching staff at Oakgrove School were allowed first class passes under the authority of the late Board of Directors of the East Indian Railway Company, the privilege having been accorded to them prior to the date on which the State assumed control of the Railway. The privilege is thus a personal one.

#### VISION TEST CLASSIFICATION OF TRAVELLING TICKET EXAMINERS.

180. **\*Mr. M. Maswood Ahmad:** (a) If the reply from the Agent in connection with starred question No. 804, of the 26th September, 1932, has been received, what steps do Government propose to take in the matter, *viz.*, vision test classification of Travelling Ticket Examiners?

(b) Will Government be pleased to lay on the table the reply mentioned in part (a)?

**Mr. P. R. Rau:** It has been decided on reconsideration to classify Travelling Ticket Examiners for test in category BI.

#### REPRESENTATION OF MUSLIM LANDHOLDERS OF BIHAR AND ORISSA IN THE LEGISLATURES.

181. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the five seats reserved for landholders in Bihar and Orissa in the Premier's decision is for Hindu landholders only?

(b) Is it a fact that under the present arrangements in Bihar and Orissa not a single Muslim landholder was elected since the reform of 1920?

(c) Are Government aware that a majority of the tenants of Hindu landholders in Bihar and Orissa are of the same community as Hindu landholders, while the majority of the tenants of Muslim landholders in

Bihar and Orissa are not of the same community as Muslim landholders? If Government are not aware, are they prepared to make an enquiry about that?

(d) Do Government propose to send a copy of this question to the Bihar Government and to the Bihar Franchise Committee to devise some means for the representation of Muslim landholders?

**The Honourable Sir Brojendra Mitter:** (a) No. The Honourable Member is referred to paragraph 16 of the Communal Decision.

(b) Yes.

(c) and (d). Government do not consider that any useful purpose would be served by taking the action suggested by the Honourable Member.

#### MUSLIM CHAMBERS OF COMMERCE.

182. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that Muslim Chambers of Commerce have been established in Bihar and Orissa, Bengal and other provinces?

(b) Do Government recognise the Muslim Chambers of Commerce in different provinces?

(c) Do Government propose to give the same facilities to the Muslim Chambers of Commerce as are given to other Chambers of Commerce in different provinces?

**The Honourable Sir Joseph Shore:** (a) The Government of India have been informed of the establishment of two Muslim Chambers, the Muslim Chamber of Commerce, Calcutta, and the Bihar and Orissa Muslim Chamber of Commerce.

(b) and (c). Applications have been received by the Government of India from both these Chambers for the extension to them of the privileges usually accorded to recognised Chambers of Commerce. These applications are under consideration.

#### SEPARATION OF ORISSA.

183. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the separation of Orissa province has been finally decided by the British Government?

(b) Is it a fact that there was not a single Mussalman in the Orissa Committee?

(c) Do Government propose to form a committee of official and non-official members of Hindu, Muslim and other communities to recommend the boundary of the new Orissa Province and to recommend the distribution of seats between Bihar proper and Orissa?

**The Honourable Sir Brojendra Mitter:** (a) At the conclusion of the last Round Table Conference the Secretary of State announced the intention of His Majesty's Government to create a separate Orissa Province.

(b) Yes.

(c) This procedure is not contemplated.

**Mr. Lalchand Navalrai:** Are the Government of India agreed to the announcement that has been made by the Secretary of State?

**The Honourable Sir Brojendra Mitter:** This was a decision of His Majesty's Government in which the Government of India had no hand.

**Mr. Lalchand Navalrai:** Were not the Government of India even consulted?

**The Honourable Sir Brojendra Mitter:** The Government of India were undoubtedly consulted, but the decision was the decision of His Majesty's Government.

**Mr. Lalchand Navalrai:** And what was the recommendation or rather the reply that they were consulted about?

**The Honourable Sir Brojendra Mitter:** That I am not in a position to disclose; the matter was entirely within the competence of His Majesty's Government. They gave the decision after consulting the Government of India, the Local Government and various other authorities. What those previous consultations were, are not for me to disclose.

#### SEPARATION OF ORISSA.

184. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that the separation of Orissa will affect Bihar, Madras, Central Provinces, and Bengal directly?

(b) Are Government aware that after the decision for separation of Orissa it would become necessary to reopen the question of distribution of seats amongst different communities in all the four provinces mentioned in part (a)?

**The Honourable Sir Brojendra Mitter:** (a) and (b). The points to which the Honourable Member refers depend upon the decision taken in regard to the boundaries of the Orissa province, a matter which is still under consideration.

#### RELEASE OF MR. GANDHI.

185. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state how many telegrams have been received or representations have been made about the release of Mr. Gandhi in the months of December, 1932, and January, 1933?

**The Honourable Sir Harry Haig:** No such communications have been received by the Government of India during the period mentioned.

#### MR. GANDHI'S OPINION ON THE POLITICAL SITUATION PREVAILING IN THE COUNTRY.

186. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that Government were in correspondence with Mr. Gandhi with a view to eliciting Gandhiji's attitude towards the peculiar political situation prevailing in the country and to knowing his opinions about the civil disobedience movement?



(b) Will Government be pleased to lay on the table the correspondence that passed between them and Mr. Gandhi in the months of November and December, 1932, and of January, 1933?

**The Honourable Sir Harry Haig:** (a) and (b). There has been no correspondence of the nature referred to by the Honourable Member between Government and Mr. Gandhi and the question of placing it on the table does not, therefore, arise.

#### RELEASE OF MR. GANDHI.

187. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the first meeting of the Viceroy's Executive Council of the New Year was held at the Viceroy's Camp at Belvedere on Thursday morning, the 5th January, 1933, and that they discussed the attitude to be taken up by the Government of India in regard to the question of releasing Mr. Gandhi and other political leader-prisoners?

(b) Is it a fact that the question of the release of Mr. Gandhi was considered in the Executive Council meeting on the suggestions of the Premier or of Lord Sankey or of the Secretary of State for India?

**The Honourable Sir Harry Haig:** (a) and (b). The proceedings of His Excellency the Governor General's Executive Council are confidential, and I am unable to give any information in the matter.

#### FACILITIES TO THE DELEGATES OF THE THIRD ROUND TABLE CONFERENCE TO MEET MR. GANDHI.

188. **\*Mr. M. Maswood Ahmad:** (a) Have Government received any representation from Sir Tej Bahadur Sapru, or from any other delegate of the Third Round Table Conference, to afford facilities to meet Mr. Gandhi?—

(b) What will be the attitude of the Government in affording facilities to the delegates of the Third Round Table Conference to meet Mr. Gandhi?

**The Honourable Sir Harry Haig:** (a) No.

(b) I would refer the Honourable Member to my reply to Mr. B. Das' Short Notice question dated the 7th November, 1932, which stated the policy of Government in regard to interviews with Mr. Gandhi.

#### CONDITION AND PROGRESS OF SERICULTURAL INDUSTRY.

189. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the condition and progress of the sericultural industry in Madras Presidency is under the consideration of the Tariff Board?

(b) Are Government aware in which parts of the British India sericultural industry exists?

(c) Will the Tariff Board consider the question of the sericultural industry in other provinces than Madras as well?

**The Honourable Sir Joseph Bore:** (a) and (c). The attention of the Honourable Member is invited to the Commerce Department Resolution No. 607-T. (1), dated the 3rd December, 1932, which was published in

Part I of the Gazette of India, dated the 10th December, 1932, from which it will be seen that the scope of the Tariff Board's enquiry is not limited to the sericultural industry of any particular province.

(b) Yes.

QUESTIONNAIRE PREPARED BY THE TARIFF BOARD IN CONNECTION WITH  
THE SERICULTURAL INDUSTRY IN INDIA.

190. \***Mr. M. Maswood Ahmad**: Will Government be pleased to lay on the table the questionnaire prepared by the Tariff Board in connection with the sericultural industry in India?

**The Honourable Sir Joseph Bhore**: The Tariff Board has issued three questionnaires in connection with its enquiry into the question of protection for the Indian sericultural industry and as these are somewhat long, two copies of each have been placed in the Library of the Central Legislature.

SILK COCOONS PRODUCED IN INDIA.

191. \***Mr. M. Maswood Ahmad**: Are Government aware what quantity of silk cocoons are produced in British India (each province separately) and what amounts are produced in Indian States (each State separately)?

**Mr. G. S. Bajpai**: The information is being collected and will be furnished later.

SUPPLY OF POSTAGE STAMPS TO INDIAN STATES.

192. \***Mr. M. Maswood Ahmad**: (a) Is it a fact that several States get postal stamps free of any charge for their State service use?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state which States take postal stamp free, and of what value?

**The Honourable Sir Frank Noyce**: (a) and (b). I would refer the Honourable Member to the reply given by me on the 8th September, 1932, to Dr. Ziauddin Ahmad's starred question No. 114, in which I explained that stamps are given in pursuance of certain agreements and understandings relating to the working of the Indian Posts and Telegraphs Department in the States concerned, and in which a list of those States and of the values of stamps was given.

**Dr. Ziauddin Ahmad**: May I ask whether this practice will be continued under the new Reforms?

**The Honourable Sir Frank Noyce**: I think the Honourable Member will agree with me that I am quite unable to say what the action will be that the future Government will take in this matter.

ARRESTS MADE IN BRITISH INDIA IN CONNECTION WITH THE ALWAR  
MEO MOVEMENT.

193. \***Mr. M. Maswood Ahmad**: How many persons have been arrested in British India in connection with the Alwar Meo movement?

**The Honourable Sir Harry Haig:** None, so far as the Government of India are aware.

**Mr. M. Maswood Ahmad:** Is it a fact that Colonel Ogilvie, who was for some time the Resident in the Kashmir State, during the recent Kashmir rising, was sent to Alwar State?

**The Honourable Sir Harry Haig:** Colonel Ogilvie, Sir, is the Agent to the Governor General in Rajputana. I do not quite follow the point of reference to the fact that he was the Resident in Kashmir before he took up that appointment.

**Mr. M. Maswood Ahmad:** Was he sent to the Alwar State especially to advise the Maharaja in suppressing the rising in Alwar State?

**The Honourable Sir Harry Haig:** Colonel Ogilvie, as I have already mentioned, is the Agent to the Governor General in Rajputana and, as there is no Political Agent for the Alwar State, the Agent to the Governor General has to perform the functions of a Political Agent.

#### EXTENSION OF THE LIFE OF THE LEGISLATIVE ASSEMBLY.

194. **\*Mr. M. Maswood Ahmad:** Will Government be pleased to state whether they are considering the question of extending the life of the present Assembly up to the September Session of 1934?

**The Honourable Sir Brojendra Mitter:** The power to extend the life of the Legislative Assembly, if in special circumstances he so thinks fit, is vested in the Governor General. Government are not in a position to make any statement.

#### RECOMMENDATIONS OF THE RAILWAY BOARD ON MR. K. M. HASSAN'S REPORT REGARDING MUSLIM REPRESENTATION IN RAILWAY SERVICES.

195. **\*Mr. M. Maswood Ahmad:** (a) Have Government issued any order or circular on Mr. K. M. Hassan's report?

(b) If the reply be in the negative, will they be pleased to state in what stage the recommendation of the Railway Board is pending?

(c) Will Government be pleased to state when they propose to issue any circular on the recommendation of the Railway Board for Muslim representation in Railway services?

**Mr. P. R. Rau:** (a) No.

(b) and (c). I would refer my Honourable friend to the reply I gave him on the 1st February, 1933, to his group of questions beginning with question No. 20.

**Mr. M. Maswood Ahmad:** Is it a fact that more than a year ago Mr. K. M. Hassan submitted his report?

**Mr. P. R. Rau:** Yes, Sir; that is correct.

**Mr. M. Maswood Ahmad:** By what time do Government propose to issue any Resolution or Circular in that matter?

**Mr. P. B. Rau:** I am afraid I am unable to say at present.

**MUSLIM SUBORDINATE STAFF, EXCLUDING ACCOUNTS OFFICES, ON THE GREAT INDIAN PENINSULA RAILWAY.**

†196. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts of the subordinate staff, excluding those in the accounts offices, on the Great Indian Peninsula Railway, on the 31st March, 1931, was 15,071?

(b) Is it a fact that the communal composition of the subordinate staff referred to in part (a) on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 9,663 in number, 64.12 per cent.

Muslims 1,521 in number, 10.09 per cent.

Europeans *cum* Anglo-Indians 1,949 in number, 12.94 per cent.

Indian Christians 1,461 in number, 9.69 per cent.

Others 477 in number, 3.16 per cent.?

(c) Will Government be pleased to state the communal composition of the subordinate staff, excluding those in the accounts offices, on the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to see that Muslims may get their due share in services on the Great Indian Peninsula Railway?

**EMPLOYMENT OF MUSLIMS IN THE CLERICAL POSTS, EXCLUDING ACCOUNTS OFFICES, ON THE GREAT INDIAN PENINSULA RAILWAY.**

†197. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of clerical posts, excluding those in the accounts offices, on the Great Indian Peninsula Railway on the 31st March, 1931, was 3,310?

(b) Is it a fact that the communal composition of the total clerical staff on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 2,492 in number, 75.29 per cent.

Muslims 215 in number, 6.49 per cent.

Europeans *cum* Anglo-Indians 87 in number, 2.63 per cent.

Indian Christians 473 in number 14.29 per cent.

Others 43 in number, 1.30 per cent.?

(c) Will Government be pleased to state the communal composition of the total of the clerical staff, excluding those in the accounts offices, on the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

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†For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE CLERICAL POSTS, EXCLUDING ACCOUNTS OFFICES, ON THE GREAT INDIAN PENINSULA RAILWAY.**

†198. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of clerical posts on a scale of pay of Rs. 150 or more, excluding those in accounts offices, on the Great Indian Peninsula Railway on the 31st March, 1931, was 261?

(b) Is it a fact that the communal composition of the total clerical staff, excluding those in the accounts offices, on a minimum pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 139 in number, 53.26 per cent.

Muslims 28 in number, 10.73 per cent.

Europeans *cum* Anglo-Indians 40 in number, 15.32 per cent.

Indian Christians 38 in number, 14.56 per cent.

Others 16 in number, 6.13 per cent.?

(c) Will Government be pleased to state the communal composition of the total clerical staff, excluding those in the accounts offices, on a scale of pay from Rs. 150 on the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share in services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(TRAFFIC) OF THE GREAT INDIAN PENINSULA RAILWAY.**

†199. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Transportation Traffic Department on the Great Indian Peninsula Railway on the 31st March, 1931, was 5,321?

(b) Is it a fact that the communal composition of the whole Transportation Traffic Department staff on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 3,773 in number, 70.91 per cent.

Muslims 636 in number, 11.95 per cent.

Europeans *cum* Anglo-Indians 524 in number, 9.85 per cent.

Indian Christians 319 in number, 6.00 per cent.

Others 69 in number, 1.29 per cent.?

(c) Will Government be pleased to state the communal composition of the total Transportation Traffic Department staff on the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to see that Muslims may get their due share in the services mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(TRAFFIC) OF THE GREAT INDIAN PENINSULA RAILWAY.**

†200. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Transportation Traffic Department on a scale of pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was 471?

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†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the whole of the Transportation Traffic Department staff on a minimum pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 62 in number, 13.16 per cent.

Muslims 14 in number, 2.97 per cent.

Europeans *cum* Anglo-Indians 332 in number, 70.49 per cent.

Indian Christians 54 in number, 11.47 per cent.

Others 9 in number, 1.91 per cent.?

(c) Will Government be pleased to state the communal composition of the whole Transportation Traffic Department staff of the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRAFFIC DEPARTMENT (COMMERCIAL)  
OF THE GREAT INDIAN PENINSULA RAILWAY.**

†201. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Traffic Department (Commercial) of the Great Indian Peninsula Railway on the 31st March, 1931, was 3,088?

(b) Is it a fact that the communal composition of the whole of the Traffic Department (Commercial) staff of the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 2,408 in number, 77.98 per cent.

Muslims 262 in number, 8.49 per cent.

Europeans *cum* Anglo-Indians 115 in number, 3.72 per cent.

Indian Christians 253 in number, 8.19 per cent.

Others 50 in number, 1.62 per cent.?

(c) Will Government be pleased to state the communal composition of the whole of the Traffic Department (Commercial) staff of the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share in the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRAFFIC DEPARTMENT (COMMERCIAL)  
OF THE GREAT INDIAN PENINSULA RAILWAY.**

†202. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Traffic Department (Commercial) on a scale of pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was 77?

(b) Is it a fact that the communal composition of the Traffic Department (Commercial) staff on a minimum pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 47 in number, 61.04 per cent.

Muslims 4 in number, 5.19 per cent.

Europeans *cum* Anglo-Indians 16 in number, 20.78 per cent.

Indian Christians 9 in number, 11.69 per cent.

Others 1 in number, 1.3 per cent.?

(c) Will Government be pleased to state the communal composition of the Traffic Department (Commercial) staff of the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(POWER) OF THE GREAT INDIAN PENINSULA RAILWAY.**

†203. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Transportation Department (Power) of the Great Indian Peninsula Railway, on the 31st March, 1931, was 1,698?

(b) Is it a fact that the communal composition in the whole of the Transportation Department (Power) staff of the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 308 in number, 18.14 per cent.

Muslims 299 in number, 17.61 per cent.

Europeans *cum* Anglo-Indians 711 in number, 41.87 per cent.

Indian Christians 137 in number, 8.07 per cent.

Others 243 in number, 14.31 per cent.?

(c) Is it a fact that Muslims in the department mentioned in part (a) are mostly in the lower grades?

(d) Will Government be pleased to state the communal composition of the whole of the Transportation Department (Power) staff of the Great Indian Peninsula Railway, on the 31st March, 1932, according to the schedule mentioned in part (b).

(e) What action do Government propose to take to ensure that Muslims may get their due share of posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(POWER) OF THE GREAT INDIAN PENINSULA RAILWAY.**

†204. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Transportation Department (Power) on a scale of pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was 478?

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†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the whole of the Transportation Department (Power) staff on a minimum pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 11 in number, 2.33 per cent.

Muslims 1 in number, .21 per cent.

Europeans *cum* Anglo-Indians 423 in number, 89.43 per cent.

Indian Christians 21 in number, 4.44 per cent.

Others 17 in number, 3.59 per cent.?

(c) Will Government be pleased to state the communal composition of the whole of the Transportation Department (Power) staff of the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of posts mentioned in part (a)?

EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(CARRIAGE) OF THE GREAT INDIAN PENINSULA RAILWAY.

†205. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in the Transportation Department (Carriage) of the Great Indian Peninsula Railway on the 31st March, 1931, was 431?

(b) Is it a fact that the communal composition of the whole of the Transportation Department (Carriage) staff of the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 216 in number, 50.12 per cent.

Muslims 48 in number, 11.14 per cent.

Europeans *cum* Anglo-Indians 34 in number, 7.89 per cent.

Indian Christians 128 in number, 29.7 per cent.

Others 5 in number, 1.15 per cent.?

(c) Will Government be pleased to state the communal composition of the whole of the Transportation Department (Carriage) staff of the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(CARRIAGE) OF THE GREAT INDIAN PENINSULA RAILWAY.

†206. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in the Transportation Department (Carriage) on a scale of pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was 82?

(b) Is it a fact that the communal composition of the whole of the Transportation Department (Carriage) staff on a minimum pay of Rs. 150 or



more on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 23 in number, 28·05 per cent. .

Muslims, Nil, Nil.

Europeans *cum* Anglo-Indians 23 in number, 28·05 per cent.

Indian Christians 35 in number, 42·68 per cent.

Others 1 in number, 1·22 per cent.?

(c) Will Government be pleased to state the communal composition of the whole of the Transportation Department (Carriage) staff of the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

**MUSLIM WORKSHOPS (MECHANICAL ENGINEERING) STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.**

†207. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in the Workshops (Mechanical Engineering) on the Great Indian Peninsula Railway on the 31st March 1931 was 454?

(b) Is it a fact that the communal composition of the Workshops (Mechanical Engineering) staff on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 77 in number, 16·96 per cent.

Muslims 22 in number, 4·85 per cent.

Europeans *cum* Anglo-Indians 279 in number, 61·47 per cent.

Indian Christians 56 in number, 12·34 per cent.

Others 20 in number, 4·38 per cent.?

(c) Will Government be pleased to state the communal composition of all the Workshops (Mechanical Engineering) staff on the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

**MUSLIM WORKSHOPS (MECHANICAL ENGINEERING) STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.**

†208. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in the Workshops (Mechanical Engineering) on a scale of pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was 362?

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†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of all the Workshops (Mechanical Engineering) staff on a minimum pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 86 in number, 9.95 per cent.

Muslims 7 in number, 1.93 per cent.

Europeans *cum* Anglo-Indians 264 in number, 72.92 per cent.

Indian Christians 40 in number, 11.05 per cent.

Others 15 in number, 4.15 per cent.?

(c) Will Government be pleased to state the communal composition of the Workshops (Mechanical Engineering) staff on the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share in posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(TRACTION) OF THE GREAT INDIAN PENINSULA RAILWAY.**

†209. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in Transportation "Traction" on the Great Indian Peninsula Railway on the 31st March 1931 was 204?

(b) Is it a fact that the communal composition of the whole Transportation "Traction" staff on the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 102 in number, 50.00 per cent.

Muslims 7 in number, 3.43 per cent.

Europeans *cum* Anglo-Indians 39 in number, 19.12 per cent.

Indian Christians 47 in number, 23.04 per cent.

Others 9 in number, 4.41 per cent.?

(c) Will Government be pleased to state the communal composition of the whole Transportation "Traction" staff on the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE TRANSPORTATION DEPARTMENT  
(TRACTION) OF THE GREAT INDIAN PENINSULA RAILWAY.**

†210. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in Transportation "Traction" on a scale of pay of Rs. 150 or more employed on the Great Indian Peninsula Railway, on the 31st March, 1931, was 112?

†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the whole Transportation "Traction" staff on a minimum pay of Rs. 150, or more on the Great Indian Peninsula Railway, on the 31st March, 1931, was:

Hindus 50 in number, 44.64 per cent.

Muslims 5 in number, 4.46 per cent.

Europeans *cum* Anglo-Indians 32 in number, 28.58 per cent.

Indian Christians 17 in number, 15.18 per cent.

Others 8 in number, 7.14 per cent.?

(c) Will Government be pleased to state the communal composition of the whole Transportation "Traction" staff on the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE CIVIL ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

†211. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in the Civil Engineering Department of the Great Indian Peninsula Railway, on the 31st March, 1931, was 328?

(b) Is it a fact that the communal composition of the whole Civil Engineering Department staff of the Great Indian Peninsula Railway, on the 31st March, 1931, was:

Hindus 148 in number, 45.12 per cent.

Muslims 20 in number, 6.10 per cent.

Europeans *cum* Anglo-Indians 115 in number, 35.06 per cent.

Indian Christians 19 in number, 5.79 per cent.

Others 26 in number, 7.93 per cent.?

(c) Will Government be pleased to state the communal composition of the whole Civil Engineering Department staff of the Great Indian Peninsula Railway, on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE CIVIL ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

†212. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in the Civil Engineering Department on a scale of pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was 190?

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†For answer to this question, see answer to question No. 20.

(b) Is it a fact that the communal composition of the whole Civil Engineering Department staff on a minimum pay of Rs. 150 or more on the Great Indian Peninsula Railway, on the 31st March, 1931, was:

Hindus 62 in number, 32.63 per cent.

Muslims 10 in number, 5.26 per cent.

Europeans *cum* Anglo-Indians 85 in number, 44.73 per cent.

Indian Christians 15 in number, 7.9 per cent.

Others 18 in number, 9.48 per cent.?

(c) Will Government be pleased to state the communal composition of the whole Civil Engineering Department staff of the Great Indian Peninsula Railway, on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

†213. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in the Medical Department on the Great Indian Peninsula Railway, on the 31st March, 1931, was 171?

(b) Is it a fact that the communal composition of the whole Medical Department staff of the Great Indian Peninsula Railway, on the 31st March, 1931, was:

Hindus 103 in number, 60.23 per cent.

Muslims 5 in number, 2.92 per cent.

Europeans *cum* Anglo-Indians 33 in number, 19.30 per cent.

Indian Christians 20 in number, 11.7 per cent.

Others 10 in number, 5.85 per cent.?

(c) Will Government be pleased to state the communal composition of the whole Medical Department staff of the Great Indian Peninsula Railway, on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

#### EMPLOYMENT OF MUSLIMS IN THE MEDICAL DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

†214. \*Mr. M. Maswood Ahmad: (a) Is it a fact that the total number of posts in the Medical Department on a scale of pay of Rs. 150 or more on the Great Indian Peninsula Railway, on the 31st March, 1931, was 74?

(b) Is it a fact that the communal composition of the Medical Department staff on a minimum pay of Rs. 150 or more on the Great Indian Peninsula Railway, on the 31st March, 1931, was:

Hindus 23 in number, 31.08 per cent.

Muslims Nil.

Europeans *cum* Anglo-Indians 33 in number, 44.59 per cent.

Indian Christians 8 in number, 10.82 per cent.

Others 10 in number, 13.51 per cent.?

†For answer to this question, see answer to question No. 20.

(c) Will Government be pleased to state the communal composition of the Medical Department staff of the Great Indian Peninsula Railway, on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE STORES DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.**

†215. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Stores Department of the Great Indian Peninsula Railway, on the 31st March, 1931, was 37?

(b) Is it a fact that the communal composition of the Stores Department staff of the Great Indian Peninsula Railway, on the 31st March, 1931, was:

Hindus 23 in number, 62·16 per cent.

Muslims *nil*.

Europeans *cum* Anglo-Indians 4 in number, 10·82 per cent.

Indian Christians 9 in number, 24·32 per cent.

Others 1 in number, 2·70 per cent.?

(c) Will Government be pleased to state the communal composition of the Stores Department staff of the Great Indian Peninsula Railway, on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE STORES DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.**

†216. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Stores Department on a scale of pay of Rs. 150, or more on the Great Indian Peninsula Railway, on the 31st March, 1931, was 15?

(b) Is it a fact that the communal composition of the Stores Department staff on a minimum pay of Rs. 150 or more on the Great Indian Peninsula Railway, on the 31st March, 1931, was:

Hindus 7 in number, 46·67 per cent.

Muslims *nil*.

Europeans *cum* Anglo-Indians 4 in number, 26·66 per cent.

Indian Christians 4 in number, 26·67 per cent.?

(c) Will Government be pleased to state the communal composition of the Stores Department staff of the Great Indian Peninsula Railway, on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

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†For answer to this question, see answer to question No. 20.

**EMPLOYMENT OF MUSLIMS IN THE WATCH AND WARD DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.**

†217. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Watch and Ward Department of the Great Indian Peninsula Railway on the 31st March, 1931, was 27?

(b) Is it a fact that the communal composition of the whole of the Watch and Ward Department staff of the Great Indian Peninsula Railway on the 31st March, 1931, was:

Hindus 11 in number, 40·74 per cent.

Muslims 7 in number, 25·93 per cent.

Europeans *cum* Anglo-Indians 8 in number, 29·63 per cent.

Others 1 in number, 3·7 per cent.?

(c) Will Government be pleased to state the communal composition of the whole of the Watch and Ward Department staff of the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

**EMPLOYMENT OF MUSLIMS IN THE WATCH AND WARD DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.**

†218. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the total number of posts in the Watch and Ward Department on a scale of pay of Rs. 150 or more on the Great Indian Peninsula Railway on the 31st March, 1931, was 13?

(b) Is it a fact that the communal composition of the Watch and Ward Department staff on a minimum pay of Rs. 150 or more on the Great Indian Peninsula Railway, on the 31st March, 1931, was:

Hindus 2 in number, 15·39 per cent.

Muslims 2 in number, 15·39 per cent.

Europeans *cum* Anglo-Indians 8 in number, 61·53 per cent.

Others 1 in number, 7·69 per cent.?

(c) Will Government be pleased to state the communal composition of the Watch and Ward Department staff on the Great Indian Peninsula Railway on the 31st March, 1932, according to the schedule mentioned in part (b)?

(d) What action do Government propose to take to ensure that Muslims may get their due share of the posts mentioned in part (a)?

**RETURNED EMIGRANTS.**

219. \***Lala Rameshwar Prasad Bagla:** (a) Will Government please state if they keep any record of the returned emigrants?

(b) If so, will Government be pleased to state the total number of emigrants returned during the last ten years as also in the year 1932?

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†For answer to this question, see answer to question No. 20.

(c) Will Government please state if they have made any arrangement for their housing and livelihood?

(d) Is it a fact that most of these emigrants desired to be sent outside India?

(e) If the reply to part (d) be in the affirmative, will Government please state how many of them were sent outside and to which places?

(f) Will Government please state the actual amount expended in doing so?

(g) Have Government thought of any other practical and economical solution?

(h) Will Government please state how far it is true that most of these emigrants are paupers from the colonies?

(i) Are Government prepared to institute an official enquiry into the matter and prepare, for the information of the public, a report thereon?

**Mr. G. S. Bajpai:** (a) Statistics of returned emigrants are maintained.

(b) 44,792 emigrants returned from the various colonies, etc., during the ten years ending 31st December, 1931, and, as far as information is available, the number for 1932 was 3,713.

(c) Protectors of Emigrants at the various ports receive returning emigrants and make all arrangements for their departure to their homes in India. For emigrants returning from South Africa, there has been a special officer at Madras since 1927, who looks after their moneys, if desired, and helps them to find work suited to their resources and aptitude.

(d) No.

(e), (f) and (g). Do not arise.

(h) Government are not aware that most of the returned emigrants are paupers.

(i) The Honourable Member presumably refers to the question of the percentage of paupers amongst returned emigrants. Government are considering whether any special investigation into this matter is necessary.

#### RELEASE OF MAHATMA GANDHI AND OTHER CIVIL DISOBEDIENCE PRISONERS.

220. **\*Mr. C. S. Ranga Iyer:** (a) Will Government be pleased to state whether it is a fact that the propaganda which Mahatma Gandhi has been allowed to carry on from behind the prison bars to abolish untouchability has diverted the attention of the public from the civil disobedience movement?

(b) If so, are Government prepared to consider the advisability of releasing Mahatma Gandhi and other civil disobedience prisoners? If not, why not?

**The Honourable Sir Harry Haig:** (a) The untouchability campaign may have diverted the attention of some supporters of civil disobedience from that movement but civil disobedience is still the declared policy of the Congress leaders.

(b) I would refer the Honourable Member to part (b) of my reply to Mr. Lalchand Navalrai's starred question No. 149.

**Mr. C. S. Ranga Iyer:** Do Government recognise that an atmosphere of calm and goodwill is necessary to discuss the constitutional proposals which His Majesty's Government will be announcing shortly?

**The Honourable Sir Harry Haig:** Government are certainly very anxious for an atmosphere of calm both for the discussion of the constitutional proposals and for ordinary administrative purposes.

**Mr. C. S. Ranga Iyer:** Are Government aware that such an atmosphere cannot be obtained so long as Mahatma Gandhi and his supporters are in prison?

**The Honourable Sir Harry Haig:** I would say, Sir, that such an atmosphere cannot be obtained as long as civil disobedience is an active policy.

**Mr. C. S. Ranga Iyer:** Are Government aware that their detention compels a large part of Indian public opinion to look unfavourably upon any proposals made by His Majesty's Government?

**The Honourable Sir Harry Haig:** No, Sir; I do not accept that as a fair representation of Indian public opinion.

**Mr. C. S. Ranga Iyer:** Are Government aware that Indian public opinion is influenced by the detention, and views to some extent unfavourably any proposals that Government may make?

**The Honourable Sir Harry Haig:** I hope that is not so; but, as I have said, the key to the whole situation lies in the question of the civil disobedience movement.

**Mr. C. S. Ranga Iyer:** Are Government aware that the only way to induce Mahatma Gandhi and his followers to abandon the civil disobedience movement is to release them and to trust them to carry on the untouchability campaign?

**The Honourable Sir Harry Haig:** That policy, Sir, was tried before and it did not have very successful results.

**Mr. C. S. Ranga Iyer:** Are Government aware that the continued detention of Mahatma Gandhi and his followers would maximise the difficulty of implementing in practice any proposals embodied in an Act of Parliament?

**The Honourable Sir Harry Haig:** Will the Honourable Member explain why the initiative should not come from the other side?

**Mr. C. S. Ranga Iyer:** For the very simple reason that Mahatma Gandhi applied for an interview with His Excellency the Governor General on landing at Bombay and the interview was not granted and he was put in prison, will Government be pleased to consider the advisability of resuming the *status quo ante* and granting the interview?



**The Honourable Sir Harry Haig:** I am afraid I cannot accept as accurate the description just given by the Honourable Member of what happened. My own recollection of the matter is that the Congress declared civil disobedience and then Mr. Gandhi offered to discuss the matter under that threat with the Governor General.

**Mr. C. S. Ranga Iyer:** Is it not a fact that Mahatma Gandhi in his letter to the Governor General offered fully to co-operate with the Governor General and the men on the spot both in the United Provinces and in the North-West Frontier Province inquiring into the situation, and if he found that Government were right, to give a right lead to the Congress and repudiate those who were in the wrong?

**The Honourable Sir Harry Haig:** I do not know what would have satisfied Mr. Gandhi at that time as to whether Government were in the right or not, but the position was that after holding their hands for a very long time Government had at last been forced into action; and it was at that late stage that Mr. Gandhi apparently was prepared to inquire into the matter. It would have been better if he had inquired into the matter and restrained his followers while yet there was time.

**Mr. C. S. Ranga Iyer:** Do Government recognise that a gesture of goodwill is vital to the future of Indo-British relationship?

**The Honourable Sir Harry Haig:** I think, Sir, the whole policy of the British Government indicates quite clearly their goodwill and their hopes of the future.

**Mr. C. S. Ranga Iyer:** Are Government aware that the continued detention of Mahatma Gandhi and his supporters persuades great masses of people to concentrate upon grievances attention which requires to be given to proceedings of the highest importance?

**The Honourable Sir Harry Haig:** I quite admit that the continuance of the present situation is unfortunate. It has always been the position of Government that they are anxious for the co-operation of every section of Indian opinion, but they cannot buy that co-operation at the cost of the peace of the country.

**Mr. S. C. Mitra:** Is it not fair that Mahatma Gandhi and other Congress leaders should have facilities to consult among themselves to determine their attitude towards the new constitution and to consider whether they should change their policy about the civil disobedience movement?

**The Honourable Sir Harry Haig:** There are quite a number of Congress leaders, who are free, to consult among themselves.

**Mr. Gaya Prasad Singh:** Is it not a fact that Lord Irwin, when he was Viceroy of India, granted repeated interviews to Mahatma Gandhi even when the civil disobedience movement was in full swing?

**The Honourable Sir Harry Haig:** Is the Honourable Member suggesting that we should repeat the experiment of the pact?

**Mr. Gaya Prasad Singh:** The Honourable Member said just now that His Excellency Lord Willingdon refused the interview, because it was sought under a threat of civil disobedience. My question was whether his predecessor did not grant repeated interviews to Mahatma Gandhi even when he had started the civil disobedience movement and when that movement was in full swing.

**The Honourable Sir Harry Haig:** I think the Honourable Member must be referring to a period when it was understood that Mr. Gandhi was very anxious to call off the civil disobedience movement.

**Mr. T. N. Ramakrishna Reddi:** Is it not a fact that Mr. Gandhi is under a vow not to discuss any political questions as long as he is in jail and he is only discussing questions regarding temple entry and such other matters with the Congress leaders who are near him?

**The Honourable Sir Harry Haig:** It is perfectly true that the special facilities that have been extended to Mr. Gandhi in jail apply only to the question of temple entry and untouchability.

**Mr. T. N. Ramakrishna Reddi:** As Mahatma Gandhi is under a vow not to discuss any political questions with the other Congress leaders near him as long as he is in jail, will Government create opportunities for him to discuss these political questions with other leaders and form his conclusions with regard to the continuance or otherwise of the civil disobedience movement?

**The Honourable Sir Harry Haig:** No, Sir; I am afraid the discussion of these questions with persons who are still in jail presents insuperable difficulties. What I said in answer to the previous question was that many of the Congress leaders are out of jail and they are perfectly in a position to discuss these questions. I did not suggest that they could discuss them with Mr. Gandhi.

**Mr. Gaya Prasad Singh:** Will Government say whether they consider the civil disobedience movement so strong that the release of Mahatma Gandhi and other political prisoners will be detrimental to the public peace?

**The Honourable Sir Harry Haig:** The position is that unless we get a clear assurance that a release would not be followed by a recrudescence of the civil disobedience movement, we are clearly not justified in releasing any one.

**Mr. Gaya Prasad Singh:** In the absence of any assurance from Mahatmaji and the Congress, do I take it that the Government of India consider that the civil disobedience movement is so strong that the release of Mahatmaji and the other political prisoners will be prejudicial to the public peace? That was my question.

**The Honourable Sir Harry Haig:** At the present moment the civil disobedience movement is still in operation and we consider that it could undoubtedly be revived.

**Mr. Gaya Prasad Singh:** May I take it that the operation of the Ordinance and the law which was enacted is still ineffectual in coping with the situation?

**The Honourable Sir Harry Haig:** I did not say that it was ineffectual. As it operates at present, I think that the measures we have taken are effective; but if we relax those measures before we get any assurance that it is not intended to take advantage of such relaxation to resume those activities, then that is obviously a dangerous thing to do.

**Mr. O. S. Ranga Iyer:** Is it not a fact that after the starting of the anti-untouchability movement by Mahatma Gandhi, a number of prisoners who came out of prison did not go back into the civil disobedience movement, but carried on this anti-untouchability work, as a result of which you have today in the prisons of India perhaps one-fourth of the political prisoners who were to be found there during the civil disobedience movement at its fullest height?

**The Honourable Sir Harry Haig:** It is perfectly true that for some months past the majority of persons who have come out of jail have not resumed active civil disobedience activities.

**Mr. C. S. Ranga Iyer:** Is that not an indication, then, that the civil disobedience movement is being abandoned and will Government now make a gesture of goodwill, seeing that the civil disobedience movement is being substituted by the constructive movement of removal of untouchability?

**The Honourable Sir Harry Haig:** No: I cannot say that I am satisfied of that.

**Sir Hari Singh Gour:** Is it a fact that at the close of the third Round Table Conference Sir Tej Bahadur Sapru and his colleagues made an appeal to the Secretary of State that in order to ensure a better condition in India for the reception of any proposals His Majesty's Government might make on the constitutional issue, Mahatma Gandhi and the non-violent political prisoners should be released and the Secretary of State is understood to have given a favourable reply? I wish to know as to what action the Government of India have taken in furtherance of the proposal made and the reply given by His Majesty's Secretary of State for India.

**The Honourable Sir Harry Haig:** My answer is one which I have already suggested before—that there cannot be one-sided action on the part of the Government—and we are not satisfied under present conditions that the release of political prisoners would in fact result in the restoration of peaceful conditions throughout the country.

**Sir Hari Singh Gour:** That was not a condition which the Secretary of State made in giving his reply to the Round Table Conference at any rate?

**The Honourable Sir Harry Haig:** Nor are we satisfied that the release of all political prisoners would mean the acceptance of the new constitution. There is nothing at all to suggest such a result.

**Sir Hari Singh Gour:** Did the Secretary of State make any condition at all in response to the request made by the Round Table Conference delegates, and was it not a promise by implication that he would favourably consider the request addressed to him at the conclusion of that Conference?

**The Honourable Sir Harry Haig:** I do not read the Secretary of State's speech as conveying any such promise, but merely an expression of goodwill which is shared entirely by the Government of India.

**Sir Hari Singh Gour:** I want to know how that goodwill has been translated into action by the Government of India *cum* the Secretary of State?

**Mr. Gaya Prasad Singh:** By continuing repression!

**The Honourable Sir Harry Haig:** The goodwill is there and it can be tested at any time.

**Mr. N. N. Anklesaria:** Do Government know that a large section of the Indian people is absolutely sick of Mr. Gandhi and his movement?

**The Honourable Sir Harry Haig:** I think that is a very fair expression of opinion on behalf of a section of Indian opinion.

**Mr. S. C. Sen:** I understood from the Honourable Member's answers that he wanted to know why no initiative had been taken by Mahatma Gandhi to bring about peace, etc., or to remove the civil disobedience movement: civil disobedience movement being a part of the non-co-operation movement, do not the Government think that by asking the Government to support the Temple Entry Bill Mahatma Gandhi has given up his non-co-operation movement and initiated the cessation of the civil disobedience movement which my Honourable friend asked for?

**The Honourable Sir Harry Haig:** I am afraid, Sir, I cannot put that interpretation on Mr. Gandhi's action. I have to judge Mr. Gandhi by his own statements. The Honourable Member is aware that Mr. Gandhi recently issued a very interesting statement; and, in the course of that statement, he says: "I have used all the talents I have for civil disobedience," and though it is perfectly true that at the moment he explains that while he is in jail he is not in a position to use these talents for civil disobedience, there is nothing to suggest that he would not use them again as soon as he was released.

**Mr. S. C. Sen:** At that time Mahatma Gandhi has not expressed any intention of co-operating with the Government or seeking Government's help in connection with the temple entry movement: since then he might have changed his mind and he has now asked Government's co-operation in connection with the temple entry movement. Do not the Government now think that Mahatma Gandhi has changed his opinion regarding the civil disobedience movement?

**The Honourable Sir Harry Haig:** No; t' e statement I referred to was issued, I see, on the 14th of January, very recently.

**Mr. C. S. Ranga Iyer:** Are the Government aware of another statement, or perhaps the same statement—I do not know—which Mahatma Gandhi issued which contained words to this effect: when he was asked whether the civil disobedience movement should be conducted by his followers, he evaded that question and did not answer it, but answered the question relating to the pursuit of the anti-untouchability movement, thereby attaching greater importance to the anti-untouchability movement itself?

**The Honourable Sir Harry Haig:** It is quite true that Mr. Gandhi did not give a definite reply on the question of his attitude towards civil disobedience, but his statement is, I am afraid, open to quite a different interpretation to the one which my Honourable friend would like to put upon it. I would like to refer to the issue of the *Bombay Congress Bulletin* of the 17th January in which, commenting on that statement, they say: "This statement clearly implies that those Congressmen who believe in the civil disobedience movement should go on doing it with all their enthusiasm and vigour".

**Mr. K. C. Neogy:** In view of the fact that my Honourable friend is in perfect agreement with Mr. Anklesaria that the vast majority of the people are sick of Gandhiji and his movement, what risks are there if Mahatma Gandhi restarts the movement of civil disobedience when he is let out?

**The Honourable Sir Harry Haig:** I think my Honourable friend must have misheard my answer to Mr. Anklesaria's question: I did not say the vast majority of the people in this country.

**Mr. K. C. Neogy:** What exactly did the Honourable Member say?

**The Honourable Sir Harry Haig:** I think I said a section of opinion.

**Mr. K. C. Neogy:** Is it then a small section?

**The Honourable Sir Harry Haig:** I cannot embark on a definition of section.

**Mr. T. N. Ramakrishna Reddi:** In answer to a question the Honourable Member said that Mahatma Gandhi had opportunities of discussing political questions with Congress leaders in jail . . . .

**The Honourable Sir Harry Haig:** I never said that.

**Mr. Amar Nath Dutt:** Did Mahatma Gandhi ask for any facilities to carry on the anti-untouchability movement? ●

**The Honourable Sir Harry Haig:** He did certainly; he asked for certain facilities some months ago which were accorded to him.

## MOTION FOR ADJOURNMENT.

### RESTORATION OF HALF THE CUTS IN THE SALARIES OF PUBLIC SERVANTS.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order.

**12 Noon.** I have received a notice from Sardar Sant Singh that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows,—namely, restoration of half the cuts in the salaries of public servants without any reference to the Indian Legislative Assembly. I have to inquire whether any Honourable Member has any objection to this motion.

**The Honourable Sir Brojendra Mitter** (Leader of the House): Sir, I object to this motion on two grounds. First of all, it is not an urgent matter. Even if half the cuts are restored, they will not come into operation till the beginning of the next financial year. Secondly, Sir, I would draw your attention to rule 12 at page 17 of the Manual of Business and Procedure which says that: "the motion must not anticipate a matter which has been previously appointed for consideration". This matter can be properly discussed during the Budget debate. It is a matter which has got a definite financial bearing, and any discussion now is bound to be infructuous, because without disclosing the Financial Statement it will not be possible adequately to discuss this matter in isolation from the rest of the Budget. On these two grounds, namely, absence of urgency and anticipation, I oppose the motion.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, as regards the first objection raised by the Honourable the Law Member, that there is no doubt that the restoration of the cuts will come into operation only from the beginning of the new financial year. But my motion relates entirely to a different matter, which is, that the Government have come to a decision on a very important issue without consulting this House, that is to say the Government have thus extended, reliefs in taxation to one section of the people—probably the least deserving. This is a matter on which this House claims a right to be consulted so that the Members should have been in a position to interpret the feelings of the public in this matter. No doubt, the Government are fully empowered to reduce taxes and relieve any section of the community of such taxes. When the country is groaning under a heavy burden of taxation, there are various sections of the community which stand in need of relief when the time for giving the relief comes. It is the business of this House to interpret the wishes of the public to the Government as to the most deserving section of the people which stood in immediate need of relief. When the Government come to a decision over the head of this House, in my opinion, the Government deliberately ignore the privileges which this House possesses over the taxation proposals of the Government. If it were not necessary to come to this decision or if the question could have been postponed till the Budget discussion, then the Government could have stayed their hands till then, when the views of the House would also have been available to Government. Without reference to this House, without waiting for the Budget to come up, Government have taken the responsibility to issue the communiqué. That is the reason why I regard this motion as one of urgent public importance.

[Sardar Sant Singh.]

As regards the second objection, Government must thank themselves for the position they find themselves in. When they issued the communiqué, they should be prepared to explain to the public at large the reasons which led to this decision; if they are not now prepared to take this House into confidence on such an important matter as this, it is not the fault of this House. Therefore, my submission is that the motion is perfectly in order.

**Dr. Ziauddin Ahmad:** (United Provinces Southern Divisions: Muhammadan Rural): Sir, this question of cut affects our Budget, and Government, of their own accord, without consulting this House, have incurred a certain expenditure equivalent to five per cent. of the salaries of their officers, and then they will come forward with their new Finance Bill and impose taxation. If we are asked to sanction the taxes, is it not legitimate that we should also be asked to sanction the expenditure. The Honourable the Finance Member would probably remember that fresh taxations were imposed upon us by the Finance Bill of November, 1931, and it is very desirable that these taxes should first be removed. I certainly welcome the idea of restoring the cuts even to the fullest extent, and, if possible, even the arrears of pay should be paid back to these Government officers, but, at the same time, it is equally desirable to see whether we can afford to do it. If these cuts are restored by imposing fresh taxation on the poor people, then it is not really a good administration. I think it is very desirable that an announcement should have been made whether the taxations imposed under the Finance Bill of November, 1931, will be continued in 1933-34, and I think we have a perfect right to demand this first. We certainly have a genuine grievance that the Assembly has not been consulted in this matter, and I think this announcement ought to have been delayed till the whole of the Budget had been discussed by this House.

**Sir Hari Singh Gour:** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, the question is not so much a question of merits at the present stage, but it is a question of the privilege of this House, and dealing with the question of urgency, I understand that the Secretary of State has undertaken to pilot the Bill in the House of Commons in the immediate future for the purpose of giving effect to the 5 per cent. reduction in the cuts. The Honourable the Leader of the House is not in a position to assure that this Bill will not be introduced within the next few days in the House of Commons when they resume their sittings the day after tomorrow, and there is no knowing as to how soon this Bill may not be introduced in the House of Commons, and, when it is once introduced there, it will be too late for the Legislative Assembly to express its view upon this question. Therefore, I do not think that the Honourable the Leader of the House is right in saying that this is not an urgent matter. This is a matter of extreme urgency. That it is a question of public importance admits of no doubt, because it is a question which affects a very large body of public servants and still a larger body of tax-payers are affected by it. My friend's point was that there would be time enough when the Budget is introduced to discuss it. The second question is answered by the first, that if it is a question which it will be too late to discuss after it is once enacted into law by the British Parliament, then the second question, I submit, becomes irrelevant. On these two grounds, I submit, that the motion is in order.

**Mr. N. N. Anklesaria** (Bombay Northern Division: Non-Muhammadan Rural): Sir, speaking from a mere lawyer's point of view, I take it that the complaint of my friend, Sardar Sant Singh, was that this House was not consulted before the Government arrived at a decision, but I think this House was also not consulted when the Government imposed the ten per cent. cut. That answers my friend's complaint. Secondly, Sir, the ten per cent. cut was in violation of the contract existing . . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member is going into the merits of the question. The Honourable Member must confine his remarks to the point whether the motion moved by the Honourable Member comes within the rules and Standing Orders. .

**Mr. N. N. Anklesaria:** My point simply is that it is not a matter of public importance or urgency on the score that this House was not consulted before the Government arrived at their decision, because the Government have a perfect right to take their decisions without consulting this House as they actually did before when they imposed the ten per cent. cut.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): The Honourable the Mover has raised a very narrow issue, namely, whether the Government have a right to reduce the cut to five per cent. without consulting this House. The larger issue is not, before the House, as the Honourable the Leader of the House has truly said that there will be an occasion for it when the Budget is under discussion. So far as the narrow issue is concerned, I submit it is a very urgent matter, it is a specific matter, and it is a matter of public importance.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The principles underlying a motion for adjournment of the business of the House have been repeatedly laid down from the Chair in a series of rulings. It was explained on one occasion that the rule provides an opportunity for Members of this House to draw the attention of the Government to a matter of recent occurrence which could not otherwise be discussed under the ordinary procedure of the House. That is the general principle under which motions for adjournment of the business of the House are made. The Honourable the Law Member has taken objection to the present motion on the ground that it comes within the mischief of the rule relating to anticipation, namely, rule 12. The relevant part of the rule reads as follows:

"The motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given."

The Honourable the Law Member's objection, as the Chair understands it, is that this matter will be discussed during the Budget and, therefore, it comes within the mischief of the rule relating to anticipations. The Chair would also draw the attention of Honourable Members to the fact that notice has been received in the office of the Legislative Assembly Department from Mr. Maswood Ahmad of a Resolution in which he proposes to raise the same question. Therefore, the subject matter of the motion for



[Mr. Deputy President.]

adjournment is covered by notice of a Resolution which has been received in the office. But whether mere receipt of notice of a Resolution by the office is a bar to the making of a motion for adjournment of the business of the House is a point on which the Chair has got the right to give a ruling, and in this matter the Chair can be guided by one of the Standing Orders of the House of Commons. That Standing Order runs as follows:

"In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by Mr. Speaker to the probability of the matter anticipated being brought before the House within a reasonable time."

These are rules for the guidance of the Chair in determining whether a particular motion for adjournment comes within the mischief of anticipation. But, in this particular case, it appears to the Chair that it is not called upon to give a ruling whether the motion of Sardar Sant Singh comes within the mischief of anticipation. The matter that the Honourable Member from the Punjab wishes to raise in his motion is not whether the Government were justified in restoring partially the cut in salaries, but whether they were justified in arriving at that decision without consulting this House. That point has been made clear by the Honourable Member from the Punjab and by other Honourable Members on the Opposition Benches. The one and only point, therefore, which the Chair has now to decide is whether a motion seeking to censure the Government on the ground that they did not consult the House before taking a decision is in order and is admissible as a motion for adjournment. That the matter is definite, there can be no doubt; that the matter is of public importance, there can be no doubt also. What the Chair has to decide is whether under the rules the matter is urgent. Now, in interpreting the word "urgent" which occurs in the Standing Orders relating to adjournment motions, the Chair has to take into consideration the technical meaning of the word "urgent" in the Standing Orders. On this point also there has been a previous ruling. On a previous occasion it was ruled:

"A matter, to be definite, urgent, and of public importance in the sense in which these terms are used in the Standing Order, must have arisen suddenly in the manner of an emergency".

The point is whether the failure of the Government of India to consult this House in a particular matter is one which has arisen in the manner of an emergency. On that, without expressing any opinion, the Chair might say that some people might hold that this is not a matter which has arisen in the manner of an emergency, but often arises as a matter of every day occurrence. Very often, the Government of India take decisions without consulting this House and Honourable Members feel, rightly or wrongly, that they ought to have been consulted. But applying the technical meaning of the word "urgent" to the question whether the Government of India were justified in arriving at a decision without consulting the House, the Chair must come to the conclusion that it is not a matter which technically comes within the meaning of the word "urgent". For this reason the Chair has to rule the motion out of order.

## STATEMENTS LAID ON THE TABLE.

**Mr. G. S. Bajpal** (Secretary, Department of Education, Health and Lands): Sir, I lay on the table:

- (i) the information promised in reply to starred questions Nos. 1690 and 1691 asked by Rao Bahadur M. C. Rajah on the 14th December, 1932; and
  - (ii) the information promised in reply to starred question No. 714 asked by Dr. Ziauddin Ahmad on the 23rd September, 1932.
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### SHRADHANAND MODEL *BASTI* FOR DEPRESSED CLASSES IN PAHARGANJ, DELHI.

\*1690. There is an area called the Shradhanand Model *Basti* in Paharganj, Delhi, on Nazul land.

It is regretted that owing to financial stringency this area has not been provided with the necessary lighting and sanitary arrangements, but the Delhi Municipality, within whose jurisdiction it lies, has had the matter under consideration for some time past and will, it is hoped, remove these difficulties as funds become available.

The dumping ground complained of is at some distance from this area. The question of the removal of all dumping grounds from the vicinity of the city is already under the consideration of the Municipal Committee.

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### DELAY IN DISPOSAL OF APPLICATIONS OF DEPRESSED CLASSES BY THE NAZUL DEPARTMENT, DELHI.

\*1691. No. A large number of applications have been received for the limited number of plots still available for lease and, in order to ensure that plots should be allotted to applicants, who are most in need of them, and who are qualified to hold them under the orders on the subject, an enquiry is being held and the claims of each applicant are being carefully scrutinised. This necessarily takes time but orders allotting the plots will be passed in the near future.

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### NUMBER OF INDIANS RECRUITED FOR THE SASTRI COLLEGE IN SOUTH AFRICA.

\*714. Six Indian teachers were recruited in India on contracts, which were renewable by mutual arrangement for another two years. The contracts terminated on December 31, 1932, and the Natal Administration decided not to renew them.

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**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I lay on the table a statement giving the information promised in reply to part (b) of starred question No. 1595 asked by Sirdar Sohan Singh on the 6th December, 1932.

## REFUSAL OF AN ELECTED BOARD TO THE BARODA CANTONMENT.

|  |            |
|--|------------|
| * 1595. (b) Troops' families . . . . . | 33         |
| Followers . . . . .                    | 449        |
| Menials . . . . .                      | 491        |
| Total . . . . .                        | <u>973</u> |

Besides the above, the civil population of 2,585 includes :

|                                  |            |
|----------------------------------|------------|
| Baroda State officials . . . . . | 157        |
| Pensioners . . . . .             | 44         |
| Mission boys . . . . .           | 317        |
| Railway servants . . . . .       | 69         |
| Total . . . . .                  | <u>587</u> |

Government do not see any reason to reconsider their decision.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to unstarred questions Nos. 199 and 201 asked by Pandit Satyendra Nath Sen on the 21st November, 1932;
- (ii) the information promised in reply to starred question No. 1642 asked by Mr. Goswami M. R. Puri on the 12th December, 1932;
- (iii) the information promised in reply to starred questions Nos. 1398 and 1535 asked by Messrs. B. N. Misra and M. R. Puri on the 22nd November and 5th December, 1932, respectively;
- (iv) the information promised in reply to starred questions Nos. 1460, 1461, 1462, 1463, 1469, 1470 and 1473 asked by Mr. K. Ahmed on the 28th November, 1932;
- (v) the information promised in reply to starred questions Nos. 1539, 1540 and 1541 asked by Mr. Goswami M. R. Puri on the 5th December, 1932; and
- (vi) the information promised in reply to starred question No. 1471 asked by Mr. K. Ahmed on the 28th November, 1932.

### COMPULSORY LEAVE FOR SIGNALLERS ON THE BENGAL AND NORTH-WESTERN RAILWAY.

199. (a) and (b), (i), (ii) and (iii). The Agent, Bengal and North-Western Railway, reports that seven junior signallers who became surplus to requirements, owing to the installation of block instruments on the main line and the reduction of work generally, were placed on compulsory leave instead of being brought under reduction, in March, 1932. Three of these were re-absorbed within a month and the remainder have since been absorbed. The removal of these men temporarily did not in any way affect the remaining staff.

## NEW LEAVE RULES FOR SUBORDINATE STAFF ON THE BENGAL AND NORTH WESTERN RAILWAY.

201. (a) No.

(b) Does not arise.

## SYSTEM OF MEDICAL EXAMINATION ON THE RAILWAYS.

\*1642. Government are not aware that the staff regard the present C system of medical examination, by which, it is presumed, is meant the system of testing distant vision by Landolt's Split Rings, as a difficult test.

It is considered that the Landolt's Split Rings test is based on improved scientific principles, affords more uniform results, permits of more accurate estimation of visual acuity, and safeguards the interests of all concerned, including the travelling public, better than the Army 'dot' test, which it is presumed the Honourable Member refers to by the 'Dott System'.

Government do not consider that it is sufficient for Transportation staff to be tested only for their ability to read coloured light signals with tests carried out by the use of ordinary signal lamps. They are advised that a man with defective colour vision may be able to distinguish the ordinary coloured signal under favourable conditions, but would be liable to make mistakes under unfavourable working conditions. They consider it necessary to adopt, in the interests of the travelling public, as efficient a system of testing for colour vision as possible.

The staff whose vision is examined every third year are those employed on duties involving the interests of public safety. Periodical examination of vision is necessary to detect the deterioration of vision which may occur from various causes, and the period of three years has been fixed after careful consideration.

Government regret that the information asked for regarding the list of accidents due to short vision of the staff during 1932 is not readily available.

## INDIAN MEDICAL DEPARTMENT ASSISTANT SURGEONS EMPLOYED ON THE NORTH WESTERN RAILWAY.

\*1398 and 1535. (a) 11.

(b) 10.

(c) It is proposed to transfer one officer to another state-managed Railway when a vacancy arises.

## EAST INDIAN RAILWAY EMPLOYEES.

\*1460, 1461, 1462 and 1463. It has been reported by the Agent, East Indian Railway, that after an investigation by his Chief Operating Superintendent into the alleged grievances he found it unnecessary to take any action on them. Government regret they are not prepared to collect information regarding the number, designation, and length of service of the old East Indian Railway employees working in the O. & R. R. section and *vice versa*.

## SCALES OF PAY OF LOWER SUBORDINATES ON THE EAST INDIAN RAILWAY.

\*1469. Government are informed that at present there are three scales in force on the East Indian Railway:

(a) The old Oudh and Rohilkhand Railway scales which are applicable to the Oudh and Rohilkhand Railway employees working on that section.

(b) The old East Indian Railway scales which are applicable to the old East Indian Railway employees working on the East Indian Railway section.

(c) Revised scales of pay applicable to all new entrants on the combined system.

PROMOTION OF OUDH AND ROHILKHAND RAILWAY EMPLOYEES TO THE HIGHER GRADES ON THE EAST INDIAN RAILWAY.

\*1470. The reply is in the negative.

OFFICIATING APPOINTMENTS OF INDIAN STATION MASTERS AND ASSISTANT STATION MASTERS OF THE EAST INDIAN RAILWAY AS GUARDS.

\*1473. Government are informed that there is no such differentiation. The practice on all these divisions is the same. The staff referred to are not utilised normally as Guards of trains, but in emergencies, such as if a Guard is incapacitated from working his train, they may be temporarily called upon to work as a Guard.

RAILWAY QUARTERS ON THE EASTERN BENGAL RAILWAY.

\*1539. (a) No.

(b) The reply to the first part of the question is in the affirmative.

As regards the second part, the Agent reports that railway quarters are not classified as European and Indian, but are classified in various types for different grades of employees in accordance with the rates of salary. Owing to differences in the style of living of employees of different nationalities, certain quarters have been built suitable for the European style of living and others for the orthodox Indian style, and are allotted to employees according to their choice as to the style of living.

(c) and (d). Guards are not entitled to railway quarters, but in view of the house shortage in Calcutta for this class of staff certain quarters of European style, arranged in blocks of flats, were built about 20 years ago, more recently, in 1930, owing to the increasing difficulty in finding sufficient accommodation of Indian style, 12 'W' type quarters were built for lower paid Guards. It was the intention to build further, including superior type quarters, but the financial stringency has, for the present, prevented this. As a result of representations from the Indian Guards themselves, these 'W' type quarters have been allotted in order of seniority and are sometimes occupied by employees drawing salaries higher than those of the employees for whom the quarters were intended, and in some cases higher than those of the employees occupying the European style quarters. The latter quarters are not entirely suited for those living in the Indian style, and it is reported that as far as is known there has been no demand for them by such persons.

(e) The practice on the Eastern Bengal Railway does not, so far as I am aware, contravene the instructions contained in the memorandum by the Railway Board on the elimination of racial discrimination in railway services, which is apparently the statement referred to by the Honourable Member.

QUARTERS FOR EUROPEAN STAFF AT SEALDAH.

\*1540. (a) No.

(b) The total rent realised at present is Rs. 94-10-0 per month and is higher than the assessed rent of these quarters.

(c) The maximum rate of rent normally realised from the occupant of a standard 'W' type quarter on the Eastern Bengal Railway is Rs. 7-8-0 per month, and that for a standard 'Z' type quarter is Rs. 12-8-0.

RACIAL DISCRIMINATION IN THE CLASSIFICATION OF QUARTERS AT SEALDAH AND OTHER PLACES.

\*1541. (a) and (b). The position has been explained in the reply to question No. 1539 above.

REVISION OF PAY OF CERTAIN POSTS ON THE EAST INDIAN RAILWAY.

\*1471. The scales of pay for the subordinate staff of the East Indian Railway for new entrants which were revised with effect from the 1st August, 1928, affected all categories of staff mentioned by the Honourable Member.

## THE HEDJAZ PILGRIMS (MUALLIMS) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I beg to present the Report of the Select Committee on the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz.

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## THE CHILDREN (PLEDGING OF LABOUR) BILL.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The House will resume consideration of the following motion moved by the Honourable Sir Frank Noyce on the 1st February, 1933:

"That the Bill to prohibit the pledging of the labour of children, as reported by the Select Committee, be taken into consideration."

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadian Rural): In continuing my debate on this Bill which seeks to prohibit the pledging of the labour of children, I must warn the House to be very careful before they agree to the elimination of the proviso attached to clause 2. Clause 2 created great trouble in the Select Committee in which I also took part. It was after great consideration that the Select Committee came to the conclusion to clear off the mischief which would otherwise be contemplated by clause 2. Clause 2, as it stands, prohibits the taking into service of children under 15 years of age for any employment if that employment is given or made through the parents. This is a general section . . . .

**Mr. A. G. Clow** (Government of India: Nominated Official): On a point of order. This proviso relates to clause 2. Is the Honourable Member in order in discussing this particular clause on a motion for general consideration?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Is the Honourable Member taking clause 2 particularly for criticism just now?

**Mr. Lalchand Navalrai**: I am speaking on the whole Bill. I will go to other clauses. I am not taking this clause alone.

**Mr. D. G. Mitchell** (Secretary, Legislative Department): Is the Honourable Member in order in discussing the Bill clause by clause just now?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Do I understand that the Honourable Member proposes to take the Bill clause by clause and discuss it just now?

**Mr. Lalchand Navalrai**: No, Sir, I know this is the stage for general discussion. In discussing this generally, I am going to show that this is one of the matters which is very hard, unless and until some remedy is provided against it. I submit, as it stands, the Bill does not, without this proviso, carry out the object and reason for which this Bill has been introduced.

**Mr. D. G. Mitchell:** May I inquire whether this speech of the Honorable Member would not be better made on the motion to omit this proviso?

**Mr. Lalchand Navalrai:** I am only referring to it, because some objections were raised the other day and certain amendments had been offered. I only submit that this Bill should stand within the object for which it has been introduced. We should agree to certain conditions being put which will enable children under 15 years of age to be employed for domestic and agricultural purposes on remuneration with the consent of their parents. This Bill aims at stopping the exploitation of children under indentures, and not the employment of even boy servants that we have in our houses should be held to be such as would come under the penalty of this Bill. Some Honourable Members now say that it is not the object. I submit that clause 2 is so general that it would include, and, I say it with emphasis, it will include the cases I am thinking of if the proviso is not there. I do support this Bill with only the exception for which I have already given my note of dissent, that is that the burden should lie on the prosecution to prove that any agreement that has been made will come under clause 2 and it should not be left to the accused to come forward and say that it comes within the proviso. That is the main object with which I am raising this objection to the Bill and, subject to that, I do accept this Bill as it has come out amended from the Select Committee. If the object is to stop exploitation of children and to stop indentures of a particular nature which are wrong, then certainly the burden would be on the prosecution to prove that the agreement comes under clause 2. Apart from it, the fundamental law, the elementary principle in the first instance places the burden on the prosecution and they must establish *prima facie* that the man who made the agreement came within the purview of the clause which restricts such agreements being made. It is easy for the Government to prove it. In many cases these indentures will be in writing and, apart from the writing, there will always be certain evidence in their possession to show that the case came under clause 2. Why should this be an exception to the general rule that the burden is on the prosecution? If a *prima facie* case is made out, then certainly the burden would be shifted to the accused to show that the case was covered by the proviso and that the child was engaged for reasonable remuneration on terms which could be dissolved with a week's notice. Sir, subject to this view, I support the Bill.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I oppose this motion. I am afraid this Bill was introduced and considered without reference to conditions existing in the country. The word "pledged" is not defined in the Act. So we have got to see what really the Government or the framers of the Bill intended to lay down when they say that a child's labour should not be pledged because I find that there is a proviso which says "not made in consideration of any benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice", etc.

The first and the most important thing that, I say, exists in the country and that has not been taken into consideration is this. In agricultural parts you have got an adult who serves under one of the landholders. He has got a boy about nine or ten years old and this landholder has got

half a dozen heads of cattle. Now this servant says that the wages that he earns are not sufficient for him to keep body and soul together. What happens is that this young fellow is put on to graze the five or six heads of cattle and, at the end of the year, he gets a certain amount of grain as compensation during harvest time. Now, I want to know whether this is pledging of labour. There is no definition of it and all that the Bill seeks to do is to prevent the pledging of the service of children where the service involves some hardship or cruelty to the children. Who is going to decide that the grazing of cattle involves hardship or cruelty to the child or not? And it is peculiar, Sir, that throughout the Act there is not a single word to warn either the people who employ these children or the Courts before whom eventually such cases will come up that it is incumbent upon them to find out whether the service or the pledging even of service is such that it would involve cruelty or hardship upon the child. Now that is not fair to the country and to the vast mass of the agricultural population amongst whom certainly young children are employed to leave this open. Then, during the harvesting season—I do not know if Honourable Members are aware—it is the custom in Southern India to pick up portions out of the whole grain to provide for the seed for the next season, and what they do is that they cut the whole grown plants and put the parts into fields where grazing goes on and then select the whole grain grown for seeds. Now, that, I hope, is not an offence under the Act. Again, for that there are no wages. Now, after harvest, a certain quantity of the grain is given to the boy. Now, these things are not made plain, and such boys have thus what is really false sympathy extended to them in the guise of protecting labour—and they say, this ought not to be done and that ought not to be done. I submit, Sir, that it is not at all a correct way of looking at the conditions in the country. Therefore, the first and the most important thing that Government or those gentlemen who were on the Select Committee ought to have done is to lay down specifically that the labour which they want to prohibit is labour which involves cruelty and hardship on the child, and which prevents its growth and development in the proper manner so that the child can grow into normal manhood. That, I understand, is the object and I can quite understand it.

There are provisions similar to that, for instance, in the Factory Act where children are not allowed to work in a factory, except under conditions laid down under the Act. Now, that sort of condition does not apply to agricultural labour any more than it does to domestic labour. Sir, what happens in our households is this. These little fellows, who have not got anything else to do, are given some work in the house and probably during *Diwali* or during *Pongal* or any of these festivals they are given a present or clothes, or they may be given some cash wages or whatever it is. Now, because there are no regular wages, there is no question of a week's notice. On the contrary, the boys may stay away whenever they like. So, I submit, that in the absence of a clear indication of these points in this Bill, in its present form, it ought not to be allowed to go further. These things should be made clear, and that is my first objection.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Read the Report of the Royal Commission on Labour.

**Raja Bahadur G. Krishnamachariar**: So far as the proviso is concerned, I shall not trouble the House now, because I find there is a motion under it and I think it is not in order to speak on that just now. That, Sir, is my submission.



**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I am glad to find that this discussion has fully justified the confidence I expressed at the commencement that this Bill would generally commend itself to all quarters of the House. Only two discordant notes have been struck—one by my Honourable friend, Mr. Jog, and the other now by my Honourable friend, Raja Bahadur Krishnamachariar. Mr. Jog has been so fully answered by other Honourable Members that I need not refer to what he said, especially as I have already dealt with the conditions of child labour in my opening speech. As regards what has fallen from Raja Bahadur Krishnamachariar, I think that he has shown a complete misapprehension of the scope of this Bill. I do not know whether he was present when it was last discussed, but, as was then continually emphasized, we are not concerned with the question whether there is any cruelty involved to children. I stated very definitely in my opening speech that what we object to is anything that savours of the principle of indenture. That is what we strike at, and if in so doing, we also diminish the risks of cruelty to a child, well, so much the better. Raja Bahadur Krishnamachariar mentioned two instances, in regard to which he wants to know what the position is, namely, in regard to children who are employed in agriculture or domestic labour and who do not apparently receive regular wages but are given a certain amount of grain at harvest time or clothes at *Diwali*. I think it is obvious, Sir, that child labour of that kind does not come within the scope of this Bill. The Raja Bahadur complains that there is no definition of the word "pledge". It is not necessary to define the word "pledge" in this Bill: you have only got to turn up a dictionary to find out exactly what it means. It means that you get an advance against something. You go to a pawn-broker and you pledge your watch and he gives you money. In this case what is happening is that you pledge the labour of your child against an advance. In the case mentioned by Raja Bahadur G. Krishnamachariar, there is no such pledge. The children do not get an advance from the landholder or the private employer in whose domestic service they are engaged. There is no advance to them. In fact, it is the reverse. They have to wait for their grain or the clothes. Therefore, Sir, it is, I think, perfectly plain that they do not come within the mischief of this Bill.

As regards the point raised by my Honourable friend, Mr. Lalchand Navalrai, about the burden of proof, as I pointed out in my opening speech, we hold that all agreements in regard to child labour are open to suspicion and, therefore, it is for those who enter into them to prove that they do not come within the mischief of the Bill. He complained that no lawyer in this House had spoken on this point. I would remind him that the Select Committee was presided over by a distinguished lawyer, Sir Hari Singh Gour, that it included the Secretary of the Legislative Department and also that my Honourable colleague, the Law Member, was present throughout its deliberations. If they are satisfied on this point regarding the burden of proof, I submit that this House may well also be satisfied. I would again, Sir, commend this measure to the consideration of the House.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is:

"That the Bill to prohibit the pledging of the labour of children, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is that clause 2 stand part of the Bill.

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadan Rural): Mr. Deputy President, I beg to move:

"That in clause 2 of the Bill, the proviso to the definition of an 'agreement' be omitted."

It is obvious, Sir, that the proviso which was incorporated by the Select Committee considerably whittles down the scope of the Bill. If you will take the pains to read the clause, you will find that there are more than two anomalies in it. In the first place, it is said "provided an agreement, made without any detriment to the child", etc. Unfortunately, the word "detriment" is not defined in this Bill and God alone knows what is detriment and what is not. Further down, you will find "not made in consideration of any benefit other than reasonable wages". Now, what is a reasonable wage? What I think is a reasonable wage may appear quite unreasonable to another man. That is also indefinite and it has not been defined. The only definite thing in this clause is a week's notice. Now, pledging is repugnant whether it be ended within a week or within a year. Time is of no material concern. I, therefore, consider that this proviso strikes at the root of the sanctity of human life, the very principle for which this legislation is undertaken and I consider that this proviso ought to be omitted. I hope I need not labour the point. I commend my amendment for the acceptance of the House.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Amendment moved.

"That in clause 2 of the Bill, the proviso to the definition of an 'agreement' be omitted."

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): Sir, I rise to support the amendment moved by my friend, Mr. Thampan. I also gave notice of an amendment in almost identical terms. To my mind, Sir, the insertion of this proviso to the definition of "agreement" amounts to the giving of protection to the children by the right hand and taking it away by the left hand. The proviso nullifies completely, absolutely and utterly the object of the Bill. The object of the Bill is not to prohibit the employment of children in any service, domestic, agricultural or industrial. The Bill has nothing to do with the employment of children at all. Its principle is that no child labour shall be pledged. Pledging is a different thing from employment. In employment, there is no element of compulsion; in pledging, there is an element of compulsion. It is against this element of compulsion that this Bill is directed and the way in which this element of compulsion is to be eliminated from the employment of children is by declaring that any arrangement, which imports an element of compulsion in the employment of the labour of a child, is an agreement which is void and which is illegal. This is the way in which they want to get rid of that thing. That being so, if you put in a proviso which will take out of the definition of agreement certain agreements having the same object, it practically nullifies it. The Bill says that any agreement, by which the labour of a child is pledged, is void. Again, it says that any agreement, which pledges the labour of a child, is not an agreement provided that the child is not harmed by it and provided that no more is paid for the labour

[Diwan Bahadur Harbilas Sarda.]

than is ordinarily due as wages, and provided also that that agreement is terminable at a week's notice. How do these three conditions, which are attached to the pledging of labour, take this agreement out of the purview of that definition which is given in the Bill? It is immaterial for the pledging of the labour of a child whether the agreement is terminable at an hour's notice or a year's notice. The object of the Bill is that no pledge should be made and the reason for this is this. If you pledge the labour of a child, for 12 months or six months or three months in advance, this smacks of slavery, because the element of compulsion is there as has been defined by Mr. Sydney Webb, Lord Passfield in the *Contemporary Review* of the last month. In that Review, he says that the essential element of slavery is compulsion or not being able to get away. If anybody, who is employed, has not the right to give up that employment, that smacks of slavery. In the same way, if you pledge beforehand that a child shall continue to work for six months, there is an element of compulsion in it. Consequently, anything that still allows in that agreement the element of pledge, nullifies the object of the Bill.

Sir, as the Honourable Member in charge of the Bill said, cruelty and hardship have nothing to do with this Bill. They are not elements of pledge. This Bill is directed against pledging and cruelty and hardship have nothing to do with the question of pledge. Consequently, they are certainly irrelevant and we must not confine our attention or at any rate let our attention be diverted by the fact that a certain employment involves cruelty. That must be eliminated completely.

An Honourable Member just now said that if the proviso was taken out of the Bill, then the employment of the children would become impossible. I do not agree that that is right. Employment of the children is nowhere touched by this Bill. Children are now employed in domestic service and on agricultural farms and there they shall continue to be employed. Only their labour shall not be pledged. Employment of children will not be prohibited by this Bill if this proviso is taken out. I, therefore, say with all the emphasis that I command that if this proviso is allowed to stand, the object of the Bill will be frustrated. In the villages and small towns you cannot find people who will differentiate between agreements which are terminable at a week's notice and agreements which are not so terminable. These fine distinctions can be understood by educated and literate people who live in big towns, but out in the country these distinctions are not understood at all. Consequently, as this proviso nullifies the object of the Bill, I will request the House that they should agree to the deletion of this clause. I am glad to say that the Government, when they drafted the Bill, did not have this proviso. It is not a part of the Bill as drafted by Government; the Select Committee have done it. And, instead of improving the Bill, I humbly and respectfully say, they have spoilt the Bill. I only ask that Government should agree to the deletion of this clause and restore the Bill to the position in which it was before it was sent to the Select Committee.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muham-madan): Sir, with all respect to my two friends who have just spoken, I am sorry I cannot agree with them in their proposal for the deletion of this clause. The matter was very carefully gone into in the Select Committee, and the question raised was whether voluntary employment of children

below 15 years of age should be protected from the purview of this Bill, and it was considered necessary to insert a provision like this. My Honourable friend, Mr. Thampan, has taken objection to this proviso, if I understood him aright, on two grounds. His first ground was that the word "detriment" has not been defined. If it has not been defined, it must take the ordinary dictionary meaning. Secondly, he says that "reasonable wages" is a very vague phrase, and what are reasonable wages in one part of the country may not be reasonable in another part of the country. But, in taking this matter into consideration, we shall have to take into account the reasonable wages that obtain for that particular kind of labour in that particular locality. So the phrase "reasonable wages" must be taken with that meaning, and I do not think that on these two grounds there ought to be any objection to the insertion of this provision.

Then, my friend, Diwan Bahadur Harbilas Sarda, says that if there is an element of compulsion in the employment of a child, it should be prohibited. I quite agree with him, but it is just in order to remove that sort of doubt that this provision, as I understand it, has been inserted.

Sir, it is precisely in order to protect the employment of children below the age of 15 on a voluntary basis that this clause has been inserted. If there is an element of compulsion in the employment of children by pledging their labour beforehand by their parents or guardians, then certainly it must be put down as this Bill seeks to do. But as the House will notice, in the provision which is proposed to be inserted there is no reference to the word "pledge". Therefore, the question of pledging beforehand does not, I think, arise, and I believe that the Select Committee have done the right thing in the circumstances, and they have protected on a voluntary basis the employment of children even below the age of 15 years for the particular kind of employment for which they may be suited. With these few words, I oppose the amendment.

**Mr. N. M. Joshi** (Nominated Non-Official): Sir, there is no doubt that this proviso has weakened the original clause considerably. Not being a lawyer, I find it difficult to state what the exact implication of this proviso is. I think we are aiming at two things by this Bill. The first aim is that we should prohibit the receiving of advances for the labour of children. As regards that, I am not sure whether we are prohibiting the receiving of advances by this proviso. The proviso says:

"Provided that an agreement made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services.....etc."

In my judgment we do not here definitely prohibit the receipt of wages for the child's services in advance, so long as those wages are not below the reasonable wage. It is really for the lawyers to say whether advances are prohibited or not, but to my mind it is not quite clear whether the receipt of advances is prohibited by this clause.

The second thing which we aim at is the prohibition of long contracts for children's labour. There is no doubt that by using the words "terminable at a week's notice" we really make the agreements a week's agreements. But still the agreements are going to be longer than a week, but they can be terminated. It is true that if parties can defend their interests, they can make an agreement of this kind a really week's agreement. But there is a difference between laying down that agreements for

[Mr. N. M. Joshi.]

children's labour shall not be longer than a week and making them terminable at a week's notice. I, therefore, feel that this proviso weakens the intention that there shall not be long agreements for children's labour. This is the only remark, Sir, that I wish to make. The clause, as adopted by the Select Committee, is a sort of compromise between those who wanted the original clause and those who wanted to go beyond that.

**Mr. Gaya Prasad Singh:** It was done with your consent as you have not appended any note of dissent about it.

**Mr. N. M. Joshi:** There is no doubt about it.

**Raja Bahadur G. Krishnamachariar:** Sir, I oppose this amendment and I think there is a bit of confusion about the way this question is being discussed. In the first place, before I proceed further, I think I may dispose of one argument advanced by my friend, Sir Frank Noyce, who said that in the framing of this Bill the question of cruelty was not in our minds at all, but it was the question of consideration. I find that in this proviso which has been added by the Select Committee in which, I suppose, he too was present, it is stated:

"Provided that an agreement made without detriment to a child, etc."

Now, Sir. I am not a master of the English language, but the word "detriment" certainly involves hardship. At times it may verge on cruelty; so that instead of inserting a provision about cruelty or hardship in the body of the section, they have used a word in the proviso which points to the fact that it is only in questions where hardship or cruelty is involved that this Act should be set in motion. I hope my friend, Sir Frank Noyce, will agree with me that it is not fair to insert a word by the backstairs instead of its being inserted in the body of the Bill specifically, honestly and straightforwardly, so that persons who administer the law and persons who come under the law might know exactly where they stand.

Now, as regards this pledging of labour in advance and what my friend, Diwan Bahadur Sarda, characterised as an element of compulsion, one matter that I had intended to speak upon and which I had entirely forgotten is this. Here we are dealing with the agricultural classes as well and a child is defined as a person under 15 years of age. Now, in several cases, a boy of 15 among these classes is a father himself and a girl is certainly a mother at 15 in most cases. What happens is this. There is an agricultural labourer who has got a son of 13 or 14. His marriage is settled and the father comes to me and asks for Rs. 100 or so which the son will work out and repay. It is a good match and he asks for that amount.

**An Honourable Member:** What about the Sarda Act?

**Raja Bahadur G. Krishnamachariar:** The Sarda Act is in its last gasp and it will come to an end very soon. I am not a prophet and I do not want to prophesy, but you will soon see how it fares. Everyone is sick of it except perhaps its author. The fact of the matter is that *pace*

your Sarda Act you have got this position among agricultural labourers. I am not talking of agricultural labourers in other parts of the country, but in Southern India in nine cases out of ten we have got to make advances time after time for the purposes of marriage, etc.

**Mr. N. M. Joshi:** That is a wrong thing to do.

**Raja Bahadur G. Krishnamachariar:** Mr. Joshi is a carpet Knight and he has absolutely no stake in the country except . . . .

**Mr. N. M. Joshi:** What Knight are you?

**Raja Bahadur G. Krishnamachariar:** I am a field Knight: My carpet is the field and my business is to cut my grain. Anyway I do not want to be interrupted. The fact of the matter is that I decline to yield to any person in a matter where agricultural labour is concerned, where labour is purely taken as an amateur question, where labour is dealt with without any reference to actual conditions, where labour is being exploited

—I respectfully submit—for purposes not entirely to its benefit.  
**1 P.M.** I say that this proviso has been introduced without reference to actual conditions. Here Mr. Joshi sits and says that it is not proper to make advances for celebrating these marriages. Come to my fields and see what happens. What happens is this: these people take the advance, perform the marriage and the next day they go off to the Straits Settlements: the one hundred rupees is gone. These gentlemen do not understand what is going on. You turn to an agriculturist's book: page after page advances shown: where is the man? Malaya. Where is the man? In Mauritius or gone to some other place. That money is all gone. It is only with the rest of the labour, by the skin of our teeth that we are doing our agricultural work; and here my friend, Mr. Joshi, says "Do not encourage these people to give you work: only do according the Fabian principles laid down by Mr. Sidney Webb and do not insert compulsion". There is no question of compulsion here; but what I want specifically stated here is this: a boy wants to get married; his parents want to get him married, and the girl's parents also want to get the marriage done; there is no money and I give the money: and I have committed an offence according to Mr. Joshi's Bill. It is very necessary that although the Government, as a matter of compromise, even agreed to this very simple proviso, they say even that thing should go; and Mr. Thampan is very angry, because the dignity of labour or the sanctity of labour is involved: what is this sanctity about your labour in the field grazing cattle or sifting grain I cannot understand . . . .

**An Honourable Member:** What is the sanctity of your money?

**Raja Bahadur G. Krishnamachariar:** The sanctity of people who do not understand these things and shout and simply waste the time of the House; my position is this: this proviso is a small concession to what otherwise would be a drastic provision. Why should these gentlemen come and trouble about these things instead of trying to improve the economic condition of the country? Mr. Joshi, who is very anxious about labour, Mr. Thampan and Diwan Bahadur Harbilas Sarda, they all know that we are all in the last stage of depression. Why do not they divert their energies in such a manner that two blades of grass might grow

[Raja Bahadur G. Krishnamachariar.]

instead of one and then we shall all be happy. Instead of that, why come and put me to greater and greater trouble over these small matters which alone remain for me, and between me and bankruptcy? I would, therefore, respectfully ask this House not to agree to this amendment, but to allow this small mercy to remain in the Bill, and pass it as passed by the Select Committee.

**Mr. A. G. Clow:** Sir, I find the debate a little confusing. My Honourable friend, Raja Bahadur Krishnamachariar, started, as I thought, to oppose the proviso; but as he went on, it seemed to be clear that he was on the whole in favour of the proviso; though I find it difficult to agree with the arguments that he used in favour of it. If this Bill is going to assist in stopping children being pledged in order to secure advances for their early marriage . . . . .

**Raja Bahadur G. Krishnamachariar:** On a point of personal explanation, Sir, may I point out that I opposed the amendment which wanted to omit the agreement which I thought meant that I was in favour of the proviso?

**Mr. A. G. Clow:** I thought, as he went on, that that must have been my Honourable friend's intention. I would only say again that if the Bill is going to prevent children being pledged in order to secure money that they may celebrate early marriages, that is a very sound argument in favour of the measure. As regards the question of cruelty, what the Honourable Member in charge of the Bill said was that the primary object of it was not to stop cruelty to children. If it has the effect of preventing cruelty, so much the better. Now, the words "without detriment to a child" in the proviso relate to an exception inserted in the Select Committee. Surely if you are excluding certain agreements, you do not want to include agreements which involve cruelty. That, I think, is the object of the words.

The other thing that added to my confusion was that, this House having appointed a Select Committee to examine the Bill and that committee having come to the conclusion that the clause was defective and having inserted a proviso, one Honourable Member, the Honourable Member who moved this amendment, then gets up, having signed the report, and wants to exclude the amendment; and another Member, Mr. Joshi, gets up and says that he is not at all sure about the amendment being a good one. However, to deal with the question on its merits, the object of the proviso can be simply explained. When the Select Committee came to look at clause 2, they found that it sought to explain what is meant by pledging the labour of a child. They found that that meant an agreement of any kind whereby, "in return for any payment or benefit received or to be received", the parent agreed to allow his child to be employed. The case that was put to us was this. Suppose the parent allows his child to enter, say, a factory or workshop, in the ordinary way on the understanding that he will get wages like any other child. Surely the wages that he is going to get are a benefit to be received; and, so, a perfectly ordinary and harmless agreement would come within the mischief of the clause. It was in order to make the intention more clear, to make it clear that all we are trying to get at is the binding down of children who cannot leave, that this proviso was to be inserted. The point raised by Diwan Bahadur Harbilas Sarda has, I think, been answered

by my Honourable friend, Mr. Gaya Prasad Singh, when he pointed out that you can make an agreement for as long as you like, but it would not be an effective restraint, because the child must be able to leave within a week's notice.

**Mr. Muhammad Muazzam Sahib Bahadur** (North Madras: Muhammadan): Sir, I think I must oppose this amendment. This matter came up before the Select Committee; there were a number of amendments which had been proposed, one of which was that domestic service ought to be excluded from the operation of this Bill; another amendment was that agricultural labour should be outside the scope of this Bill; and, I believe, there were one or two other amendments almost to that effect. To obviate the difficulties that would otherwise creep in if the exception were to be made in the case of one or two amendments and to make the provisions of the Bill of a general nature, the provision contained in sub-clause (2) was introduced and the provision in that sub-clause as to a week's notice was introduced by the Honourable the Law Member himself and we all agreed that, with the introduction of that ingredient in the proviso, *viz.*, of the agreement being terminable at not more than a week's notice, the harm that would otherwise be done by receipt of advances for what is really pledging or the binding down of a child's labour for a certain period would be neutralised. As a matter of fact, Sir, when my friend, Mr. Joshi, said that advances were not prohibited . . .

**Mr. N. M. Joshi:** I said I was doubtful.

**Mr. Muhammad Muazzam Sahib Bahadur:** My friend says he is doubtful, but I may tell him at once that the introduction of the element in the proviso as to the termination of this agreement by a week's notice neutralises the effect of any advances which may have been made to bind down a child's labour. So that, in point of fact, if this Bill were shorn of that proviso, it come to this, that I cannot employ the labour of a child, which term is defined as a person under 15 years of age according to this Bill, and there will be great hardship in the employment of children for domestic purposes. In order to obviate that and in order also to obviate the difficulties which would otherwise arise in the employment of children for agricultural purposes in such cases, this proviso was advisedly inserted. Sir, I whole-heartedly oppose the amendment.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

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**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): I oppose the amendment moved by my Honourable friend, Mr. Thampan, and supported by Diwan Bahadur Harbilas Sarda. I do not think that even the original provision, as contained in the Bill, is adequate. What does the Bill aim at remedying? It is said the pledging of child labour. I have not heard of any such thing, but now I hear that there is some sort of custom somewhere in the country, of which I do not know, by which, in consideration of certain payments made to parents, the child is pledged to or it is forced to work for some employer.



[Mr. S. C. Sen.]

Now, under this Bill, as it has been drafted, we find that the pledging of a child is not within the purview of the Bill, but it is only the payment of monies that is aimed at. If you will refer to the definition of an agreement to pledge the labour of a child, it says:

"An agreement to pledge the labour of a child means an agreement, written or oral, express or implied, whereby the parent or guardian of a child, in return for any payment or benefit received or to be received by him, undertakes to. . ."

Therefore, it is the money which is either received or to be received by the parent that comes within the purview of this Bill. Supposing the payment is made to certain other persons, or to the child itself, I do not know whether it will come within the provisions of this clause. The Bill, as it is, says that payment to the parent is objectionable. If that stood alone, that would have brought within its purview all domestic servants. Take the case of an every day occurrence—of a mother with a young child, say, six, seven or eight years of age. The mother works in a house as a domestic servant, and the boy is taken to the house and the master is asked to give employment to the boy to tend another young child in the house. The wage has to be paid to the mother naturally and not to the boy who is aged only six or seven years of age. That would come under the purview of this Bill. But there is a provision by which it is intended to take that sort of case away, namely, the proviso:

"Provided that an agreement, made without detriment to a child, and not made in consideration of any benefit other than reasonable wages to be paid for the child's services. . ."

I stop there. The expression is, "to be paid for the child's services". It does not say to whom the wages are to be paid, whether to the parent or somebody else, or to the child itself. By the principal clause, payment to the parents has been penalised. I do not know whether the proviso refers to the wages to be paid to the parent or to the child. That is not made clear. It seems to me that probably payment to the parent of the child will come within the purview of the first portion of the clause and will not be exempted under the proviso. But assuming that it is not the case which I have put, and which ordinarily occurs in the case of domestic service—those classes of cases may not come under the provisions of the clause. If this proviso is not kept, then all domestic servants, where, according to the custom, payment is made generally to the parent, and prudence also will show that it is not safe to pay the boy who may squander the money in smoking *beeries* or in taking cocaine or other things as is often done in Calcutta, will be affected. In these circumstances, I oppose the motion that the proviso should be taken out. I think it is absolutely necessary that the proviso should be kept, and, if necessary, should be improved upon by making it clear that ordinary wages, paid either to the child itself or on its behalf to the mother or father, should also be protected.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissā: Muhammadan): I oppose the amendment moved by Mr. Thampan and support the Bill as amended by the Select Committee. The aim of the Bill is to prohibit the pledging of the labour of a child, and not the labour of the child only. Every one agrees that no one would like to keep a child idle. If that be the aim, and you see the proviso, you will find that only

those agreements, which are without detriment to the child, have not been prohibited. Again, you will find that if this agreement is terminable at a week's notice, then it does not come under the purview of this Bill. That is very essential. If an agreement is terminable at a week's notice, it cannot be called the pledging of child labour. So, I oppose this amendment and support the Bill as amended by the Select Committee.

**The Honourable Sir Frank Noyce:** I have very little to add to what has been said in opposition to this motion. I should, however, like to endorse Mr. Clow's surprise that it should be moved by Mr. Thampan. I had many surprises in the course of dealing with this measure. I was very much surprised that from certain quarters of the House a voice should be raised in defence of any system which savours of indenture. My surprise in regard to that was, however, nothing to my surprise that Mr. Thampan, who assisted the Select Committee in endeavouring to arrive at a compromise on this, . . . . .

**Mr. K. P. Thampan:** On a matter of personal explanation, Sir. May I say that, if I did not protest in the Committee or write a dissenting minute to the report of the Select Committee, it was simply because I had the greatest respect for my Honourable friend, Sir Frank Noyce's sincerity of purpose, and when he expressed the desire to arrive at an agreed formula, I yielded to him.

**The Honourable Sir Frank Noyce:** I am very grateful to my Honourable friend for his testimony. I could only wish he had carried it a little further by not bringing forward this amendment today. The proviso, as has been remarked, is the result of a compromise, and no compromise can ever be satisfactory to those who hold extreme views. I am prepared to admit that the Select Committee found it a very difficult matter to draft anything that would meet the case. It is possible that this draft is not entirely satisfactory, and that when it comes to be interpreted, difficulties may arise. If that happens, all I can say is that we are quite prepared to take immediate steps to amend it and cast it in a form which will make it easier to work. But until difficulties do arise, we cannot anticipate what they are going to be. I have just one point with regard to what fell from Mr. Sen just now. I would merely say that the important question is not to whom the wages are paid, but with whom the actual agreement is made.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The question is:

"That in clause 2 of the Bill, the proviso to the definition of an 'agreement' be omitted."

The motion was negatived.

Clause 2 was added to the Bill.

**Mr. D. G. Mitchell:** I move:

"That clause 2A of the Bill be re-numbered as clause 3 and the remaining clauses be re-numbered accordingly."

The amendment is purely formal and requires no explanation.

The motion was adopted.

Clauses 3, 4, 5 and 6, as re-numbered, were added to the Bill.

**Mr. C. W. Gwynne** (Government of India: Nominated Official): Sir, I move:

"That after sub-clause (2) of clause 1 of the Bill the following new sub-clause be added:

'(3) This section and sections 2 and 3 shall come into force at once, and the remaining sections of this Act shall come into force on the first day of July, 1933.'

I may explain that this does not represent any departmental officiousness. I have been requested by the Honourable Member in charge of the Bill to move this amendment. Normally this task would have fallen upon my Honourable friend, Mr. Clow, but, having been a member of the Select Committee, he feels precluded from doing so. As for the amendment itself, I need only say that the object is to postpone for a short period the coming into force of the penal clauses of the Bill so as to give a short period of grace to employers and parents who may have entered into contracts or agreements which, as soon as this Act comes into force, would be illegal. It would seem only fair to give them a short period to make themselves familiar with the provisions of the Bill so as to enable them to terminate such contracts before becoming subject to its penal provisions. It is for this reason that the Government propose to bring the penal clauses, namely, clauses 5 and 6, into operation on the 1st July. Sir, I move.

The motion was adopted.

**Mr. D. G. Mitchell:** Sir, I move a small amendment:

"That in sub-clause (1) of clause 1, for the figures '1932' the figures '1933' be substituted."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The title and the preamble were added to the Bill.

**The Honourable Sir Frank Noyce:** Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

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## THE LAND ACQUISITION (AMENDMENT) BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I move:

"That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, be referred to a Select Committee consisting of Mr. G. Morgan, Mr. Lalchand Navalrai, Sirdar Sohan Singh, Hony. Captain Rao Bahadur Chaudhri Lal Chand, Raja Bahadur G. Krishnamachariar, Mr. N. M. Joshi, Mr. A. G. Leach, Mr. A. G. Clow and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I must confess that, when this Bill was circulated for public opinion, I did not anticipate that the volume of opinions received would be as great as it has been. I may say at once that I am very far from complaining

about that. To my mind it is eminently satisfactory that a social measure such as this should have aroused so much public interest and also that the Bill should have received a very remarkable amount of support. With hardly an exception, all the opinions that we have received are in favour—and very definitely in favour—of the general principles underlying it. The criticisms which have been received are almost entirely in regard to points of detail, points of detail which I may remind the House were also referred to in the course of the discussion we had on the Bill last September. The two main points on which criticisms have been focussed are the proposal to include individuals as well as companies amongst those on whose behalf land can be acquired for the housing of labour and the adequacy of the safeguards against improper use of the land that has been acquired. While there are a number of suggestions for the alteration of the Bill on both these points, it is only fair to point out to the House that there is almost equal support for the measure as it stands. I have every confidence that all the opinions, both for and against, will receive the full consideration of the Select Committee and I need hardly tell the House that I am not committed to accept any definite conclusions on either side until we have had the advantage of the discussions in the Select Committee. In view of the fact that opinion is so very definitely in favour of the Bill, the House need, I think, have no hesitation in accepting its general principles and in agreeing to my motion for reference to a Select Committee. Sir, I move.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved :

"That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, be referred to a Select Committee consisting of Mr. G. Morgan, Mr. Lalchand Navalrai, Sirdar Sohan Singh, Hony. Captain Rao Bahadur Chaudhri Lal Chand, Raja Bahadur G. Krishnamachariar, Mr. N. M. Joshi, Mr. A. G. Leach, Mr. A. G. Clow and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan): Sir, I move that Mr. Muazzam Sahib Bahadur's name be included in the list of the members of the Select Committee.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved :

"That the name of Mr. Muazzam Sahib Bahadur be included in the list of members of the Select Committee."

**The Honourable Sir Frank Noyce**: Sir, I do not object; but I would venture to point out that the names of the members of the Select Committee were decided after consultation with the Leaders of Parties and it seems to me rather going back on the usual arrangement to add names at this stage. I personally have no objection whatever, but I am leaving it to the judgment of the House whether it is desirable, after names have been selected in consultation with Leaders of Parties, to add to them in this House in this way, as obviously that leads to suggested additions from other quarters of the House.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** To meet the convenience of the House, it has always been the practice for the names of members to serve on a Select Committee to be put down after consultation with Party Leaders, and the Chair would strongly deprecate any attempts to make new proposals when the actual motion is moved. I would like to know from the Honourable Mr. M. Maswood Ahmad whether he thinks it so important as to press his motion.

**Mr. M. Maswood Ahmad:** I think, Sir, in the list which has been read I did not find any name of a member of the Independent Party. (*An Honourable Member:* "Yes, Sirdar Sohan Singh".) Very well. If that is the view, I do not press my motion.

**Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural):** Sir, I do not stand to oppose the motion, but I would just like to call attention of the members of the Select Committee to one point and that point was also mentioned by the Honourable the Mover and it is the misuse of this Bill.

Sir, when this motion came up for discussion at Simla, I drew attention to the misuse of this Bill and I hope the Select Committee would make a provision that the Bill may not be misused. The point I had in mind and which I still have in mind is this. Suppose a person wishes to acquire some valuable property for the purpose of building some houses for rent. Now he finds that the owner of the property is not willing to sell him the land. He then comes under the shelter of this Bill. He starts a bogus industrial concern, and, in the name of the housing problem, he acquires that particular land and, as soon as that particular land has been acquired and some temporary huts have been built, he closes the business altogether, and, on this particular land, he now begins to build the valuable property which he had in his mind. Now, in a case like this, there ought to be some provision that if, within a reasonable time, this business is closed, the land ought to go back to the original owner,—and the period may be fixed at 20 or 25 years. So, if this provision is made in this particular Bill, then there will be a guarantee that the Bill is not likely to be misused. This is a point which the members of the Select Committee should very carefully scrutinise. They ought to see that the Bill is not misused and that the persons who are the owners of the particular land should not be completely turned out under this Act for *mala fide* purposes. This is the only observation I have to make.

**Mr. G. Morgan (Bengal: European):** Sir, I support the motion, and the point brought forward by my Honourable friend, Dr. Ziauddin Ahmad, is also one which I have in mind; and if the motion is carried, it will be a point which will be brought forward in the Select Committee. That is all I have to say on the motion now.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The question is:

"That the Bill further to amend the Land Acquisition Act, 1894, for certain purposes, be referred to a Select Committee consisting of Mr. G. Morgan, Mr. Lalchand Navalrai, Sirdar Sohan Singh, Hony. Captain Rao Bahadur Chaudhri Lal Chand, Raja Bahadur G. Krishnamachariar, Mr. N. M. Joshi, Mr. A. G. Leach, Mr. A. G. Clow and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

## THE INDIAN RAILWAYS (AMENDMENT) BILL.

### (AMENDMENT OF SECTION 51.)

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, I move:

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (*amendment of section 51*), be referred to a Select Committee consisting of Mr. K. C. Neogy, Mr. K. P. Thampan, Dr. Ziauddin Ahmad, Mr. S. C. Mitra, Mr. Muhammad Yamin Khan, Lala Rameshwar Prasad Bagla, Mr. R. Smith, Mr. M. Maswood Ahmad, Pandit Ram Krishna Jha, Dr. R. D. Dalal, Mr. P. R. Ran, the Honourable Sir Brojendra Mitter and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): Sir, before the Honourable Member proceeds with his speech, may I tell the House that I shall not be able to serve on the Select Committee.

**The Honourable Sir Joseph Bhore**: Sir, I very much regret that I should have inserted Mr. Neogy's name without a personal reference to him; but I may say that it was after consultation with the Honourable Member's Party that I inserted his name. If any other name is suggested in lieu of Mr. Neogy's name, I shall be only too glad to accept it.

**Mr. K. C. Neogy**: I may mention, Sir, that I was not present at Delhi when perhaps my Party put forward my name.

**The Honourable Sir Joseph Bhore**: I merely want to make it clear, Sir, that I followed the accepted practice in putting down Mr. Neogy's name, and I apologize to him if I have caused him any inconvenience by doing so.

It was with some surprise that I read the speeches which were made on the occasion on which this Bill was last before this House. I hope I may be able to meet some of the opposition that was reflected in these speeches, because it seems to me that a good deal of that opposition was the result possibly of a misapprehension. It is only necessary for me now, Sir, to repeat what was said on that occasion. This amending Bill does not propose to add anything to the powers already possessed by the State-managed Railways. These Railways, I am advised, are already authorised by the existing law to run motor-services if they so choose. This Bill also will not apply legally, I am told, to the large Company-managed Railways which are incorporated outside India. If this amending Bill passes into law, the practical effect will be to invest with the powers concerned those small Company-managed Railways which are domiciled in this country, largely Light Railways, in some of which at any rate Local Governments and District Boards are very deeply interested financially. This is a point on which I should like to lay some emphasis. Now I would like to put the case very shortly for these Railways. They were originally built in order to serve areas which had not suitable and rapid modern means of communication and they served their purpose. As general communications improved, other competitive forms of transport stepped in and entered into rivalry with these Railways. Now I would submit, Sir, that in the interests of the country it is essential that that rivalry should

not be permitted to drive these Railways to the wall. It will,

3 P.M. I think, be readily realised that Railways must continue to provide inexpensive means for the carriage of the heavy traffic of this

[Sir Joseph Bhore.].

country, the carriage of such things as food-grains, coal, heavy commodities of low value, etc. This is absolutely vital to the country. But, Sir, I would submit that if motor transport is allowed to take the cream of the more remunerative traffic, it is impossible for the Railways to live on the skimmed milk which is left. I would point out that if Railways are to continue, as they must, to provide cheap transport for heavy traffic, then it is essential that they should not be deprived of their share of the more remunerative traffic.

Now, what is it that we are asking in this Bill? We are not asking for any special privilege. We are merely asking that Railways should be relieved of what has become an unfair handicap and disability. We are merely asking that Railways should be allowed to get, if they can, some share of the more remunerative traffic which has been taken away from them. Then, Sir, there is another point which I would like to lay some emphasis upon, because there is likely to be some misapprehension about it. Railway motor vehicles will be subject to the same conditions as regards taxation, control, supervision and regulation as private vehicles. This Bill is not asking that any special privilege should be conferred upon Railways in this matter. It may be true that clause 2 is framed in somewhat general terms. It is for this reason that I have asked for a Select Committee. We can then examine this matter and see whether it is not possible, keeping in mind the objects and intentions of the Bill, to use more definite and restrictive terms. Sir, I have nothing more to say at this stage and make my motion.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (*amendment of section 51*), be referred to a Select Committee consisting of Mr. K. P. Thampan, Dr. Ziauddin Ahmad, Mr. S. C. Mitra, Mr. Muhammad Yamin Khan, Lala Rameshwar Prasad Bagla, Mr. R. Smith, Mr. M. Maswood Ahmad, Pandit Ram Krishna Jha, Dr. R. D. Dalal, Mr. P. R. Rau, the Honourable Sir Brojendra Mitter and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I cannot help thinking that the present Bill is a premature one. The Acworth Committee, as we all know, recommended that we should have a separate Department of Communications including all kinds of transport and I had thought that some action on this recommendation would be taken when the new Government of India Act came into operation and the Federal Assembly was established. Now, the whole question has not been tackled, but only a small portion of it has now been taken up, *i.e.*, we have taken up the position of the motor vehicles. The allied question which is very important is this: who will be in charge of the repairs of these roads on which these heavy motor buses of the Railway Department would run? We all know that these roads are not under the Honourable Member who has now presented the Bill. They are under another department and there is bound to be a confusion about the repairs of these roads and various other things. Some of these roads are under local authorities and some under Provincial Government. Therefore, it would be better if the Government of India considered a uniform policy about the communications. They ought to establish a separate Department of Communications which should tackle

with motor transport, the railways, inland steam navigation and other means of transport. That would have been the right course to adopt. But, instead of tackling the problem as a whole and instead of having an exhaustive review of the whole situation, this Bill is brought forward covering only a very small portion of the problem.

My next point is that the Railway Department, as it is constituted at present, is not in a position to undertake any new undertakings. They are not in a position even to set their own house in order. So, a department which is incapable of setting its own house in order is certainly not competent to extend its business. I do not want to dilate on this issue, because we will have plenty of time to discuss this particular question later on. We know that at present there are several difficulties which are responsible for the transfer of traffic from the rails to the road. At present people experience great difficulties in getting wagons. They have to pay a small commission before they can get a wagon: they have to pay tips at every stage before their business is attended to. I drew the attention of the Assembly two years ago to the fact that the office of the Station Master at Chauri Chaura, which is in my constituency, was worth Rs. 4,000. There are other difficulties in the administration to which I drew the attention of the Assembly, namely, that at the junctions the vendors really regulate the time-tables. They intentionally manoeuvre in such a way that there is no connection with the corresponding trains, so that they may be able to have good sale. The result is that long distance passengers undergo lot of inconvenience and the short distance passengers for want of time take to motor buses, which is really the quickest way of transit. This is not the first time that I am bringing this matter to the notice of the Assembly. I can give other causes for the transfer of traffic from the rails to the road. So, really speaking, before the Railway Department may be authorised to extend their business, they had better concentrate their attention on the setting of their own house in order and make the necessary improvements. The whole organisation at present is topsy-turvy and it is very desirable that every effort should be made to set things right.

The third point, which is also very important one, is that the Railway Department has got practically no control over its capital expenditure. They spend money like water and in a manner which really yields very little income. I repeatedly mentioned this very thing but the only reply that I have had from the Treasury Benches was that I was irrelevant. Now, I do not know what is the definition of relevancy? I said clearly that during the last seven or eight years the Railway Department had spent about 165 crores on capital expenditure out of which about 113 crores were spent on undertakings which produced no income and only a small sum was really spent on undertakings which yielded some income. The net revenue, as calculated last year, was about one per cent. Now, I am afraid that they will spend large sums of money in purchasing very heavy and expensive motor buses and some of them will be too heavy for the bridges and the roads which are really built for light traffic. Now, this they will discover after the orders for these heavy motor buses have been placed. We have already got the example of the locomotives. Without considering whether the bridges were sufficiently strong and without considering whether the sheds were sufficiently high, they ordered the locomotives of the new type. As soon as they arrived, they found that the rails were not strong enough to bear their weight. They also found that the sheds were too low and



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they had to be altered at extra expenditure. Bridges are being strengthened to carry new locomotives. I am afraid the same thing will happen here. They will order very heavy buses, may be 60 or 80 tons, and as soon as they arrive they will discover that the roads in India are not steady enough and the bridges are not sufficiently strong and therefore the Railway Department will appeal to its sister department of Industries and Labour to repair the roads, undertake new construction of bridges and spend large fortunes. So, first they will spend the poor tax-payers' money in purchasing very heavy buses and transport cars and, afterwards, they will have extra expenditure to rebuild these roads and bridges. I think the record of the Railway Department is not very brilliant. I do not mean dishonesty, but I mean that they cannot say that they have economically spent the money, both recurring and non-recurring. Therefore, at this stage to ask them to extend their business and take up new undertakings is not at all justified.

**An Honourable Member:** It will relieve unemployment.

**Dr. Ziauddin Ahmad:** That is my fourth point and I am coming to it just now. I wanted to take it up later, but I will take it up now. At present some people with very little capital daily carry on this business. They run motor buses from one place to another place. They really work from hand to mouth and they just earn their living. This particular trade which provides a living for a very large number of people will entirely disappear. No doubt this will give employment to one or two engineers who are highly paid; it may give employment to some of these highly paid retrenched officers in the Railway Department, but the poor people who are now living on these motor buses will practically have to find their living in some other direction, and since all the departments are now closed. . . .

**Mr. N. M. Joshi** (Nominated Non-Official): Chauffeurs will be required all the same.

**Dr. Ziauddin Ahmad:** My friend reminds me about the chauffeurs. My Honourable friend has not seen the list of the railway employees and, if he will examine that list carefully and the nationalities there, and consider it carefully, I think he will withdraw his objection.

**Mr. N. M. Joshi:** I have no objection: I am simply drawing your attention.

**Dr. Ziauddin Ahmad:** My fourth point, as I said, was that this will practically take away the subsistence of a large number of people who are now living on motor buses. You may say that some chauffeurs will be required, but the type of chauffeurs that are now running the buses will have no employment whatsoever under this new Railway Department. They will have their own method of work and they will import their own men and their own staff for carrying on the business.

Now, Sir, considering the enormous capital expenditure which will be involved in this new undertaking, and considering the fact that the whole Railway Department needs re-organisation, and it is not desirable to extend the business, but to concentrate their entire attention to local

improvements, I strongly advocate that this Bill ought to wait and it should be taken into consideration when we have formed a Ministry of Communications under the new Federal Assembly. In that case, we may have a special statutory board which will be responsible to the Indian Legislature and that will be in a better position to judge about the business of the railways. Therefore, I strongly advocate that the Honourable the Mover will do greater service to the country if he withholds his Bill and brings it up when the new Government of India Act has come into operation and a new Statutory Board is established.

I may say clearly that if I accept membership of the Committee, I still keep my right to oppose the whole thing when it comes up for consideration before the Assembly.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I wish to move that in place of Mr. Neogy the name of Bhai Parma Nand be substituted.

**The Honourable Sir Joseph Bore**: Sir, I am quite willing to accept the motion.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is:

"That in place of Mr. Neogy the name of Bhai Parma Nand be substituted."

The motion was adopted.

**Mr. K. C. Neogy**: Sir, the Honourable Member in charge has very frankly stated that he had merely to repeat what had been said before in support of this measure at the earlier stage when it came up for consideration in this House. I would, therefore, be perfectly in order perhaps if I were to follow his example and repeat the criticisms that I had made on that occasion in reply to my Honourable friend. But I can assure the House that I have no desire to do so. I have a good deal of sympathy with my friend, Dr. Ziauddin, when he complained, or at least seemed to complain, that a more comprehensive measure should have been before us by this time. I may remind the Honourable Member that it was about 12 years ago that the Ackworth Committee recommended a thorough overhauling of the Railway Act, and made a specific recommendation that the question of a general revision of the Railway Act should be taken up at the earliest possible moment and that it should be entrusted to the President of the Railway Rates Tribunal as was contemplated by them. I understand, Sir Narasimha Sarma, the late lamented President of the Rates Advisory Committee, did actually go into this question in consultation with the various interests affected; and I should have thought that, instead of bringing up a tinkering measure of this kind, the Honourable Member in charge would place before the House a more comprehensive Bill for the purpose of amending the Railway Act in all its various aspects.

Now, Sir, it will be remembered that when this Bill was discussed on the last occasion at Simla, a good deal of criticism was directed to the defects in the Bill, namely, particularly the want of any safeguards from the point of view of public interests and from the point of view of the interests of the private owners of the present bus services that

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are likely to be seriously affected by this measure. I have got the opinions which have been obtained on this Bill, and I have tried to analyse these opinions. Several Local Governments say that they are not at all affected by this measure and, therefore, they do not want to pronounce any opinion. There is at least one Provincial Government which supports the Bill on the very ground that it is not affected. This is what the Burma Government say:

"The Governor in Council has no objection to the provisions of the Bill, specially as they are not likely to be of practical importance to Burma."

That is the kind of support which my friend has got! Among those, who have given qualified support, I find that some want a little further time to consider the matter, particularly in view of the inquiry that has been undertaken by two officers, Messrs. Mitchell and Kirkness, into the general question of road-rail competition. Now, some Local Governments say that they are not in a position to express any opinion till they have seen the recommendations of that Committee. I do not know whether that report is available to this House for study; I was not in this country for some time and it may be that the Honourable Member has placed that report before this House. (*Honourable Members*: "No, no.") My friends say that it is not yet available to the House. I do request my Honourable friend to consider as to whether it is right, when we find that a comprehensive inquiry into the question has been made already by two responsible officers, that a Bill of this nature should at once be referred to a Select Committee, when particularly we have not had an opportunity of considering the recommendations of this particular Committee, and when we find that several of the Local Governments express their inability to give any opinion without seeing the recommendations of that Committee. It is undoubtedly true that the Railway Companies, who are proposed to be armed with authority to run their motor services in competition with the private motor services, are comparatively small undertakings; but, then, this is an issue which affects not merely the small Railway Companies as the Honourable Member himself must be aware being in charge of the Railway Department. It is a problem which is being sought to be tackled all over the world and it is a problem which affects not merely the small Railway Companies, but the bigger ones as well, and this House should like to know what the policy of the Government is in this matter with regard to the general points involved, before they can be expected to give their assent to any principle.

Let us have a more comprehensive measure, if possible, before us which would seek to deal with this serious problem of road competition with railways in all its aspects. My Honourable friend seems to think that most of the criticisms, that were made on the previous occasion, as also those contained in the opinions which we have in our hands, could be met in the Select Committee. I have had some experience of the working of Select Committees and I beg leave to express my doubt as to whether it will be possible to meet all the various criticisms that have been made, by way of amendments to this Bill. As a concrete example, take for instance the suggestion with regard to some kind of procedure that should be incorporated providing for an appeal of some kind to some authority from the aggrieved public in case this measure leads to any unfair competition between the existing road motor services

and the services that are proposed to be started by virtue of this measure. It is a very complicated issue. The question is whether you are going to set up an authority to hear these complaints, to receive these complaints and then you have to prescribe—if you are agreeable to that course—some kind of procedure and the constitution of such a body. I do not know whether my Honourable friend's intention is to leave the Select Committee an absolutely free hand in this matter and make such fundamental changes as will be necessitated for the purpose of meeting a criticism of this kind. I have given only one illustration. I very much doubt whether my Honourable friend realises the stupendous work which he is expecting of the Select Committee, and I may be permitted to tell him that it is not altogether fair to expect the Select Committee to do all the work that should have been done by his Department in the first instance and by the Legislative Department in the second. I should have thought that, after the criticisms that were made on this measure at Simla and after the Government were in possession of the opinions of the various bodies which had been consulted in this matter, the Government would have withdrawn this measure and brought up either a more comprehensive measure to take its place meeting all the various objections, or taken their own time to consider the recommendations of those two officers that I have mentioned and brought up a much more comprehensive measure dealing with the whole problem from the point of view of all the Railways in India, big and small. I should have liked my Honourable friend to make a statement on this particular question as to whether it is his intention to allow the Select Committee a free hand in removing all the various defects that have been pointed out in all these opinions and criticisms. So far as I can see, it would go very much beyond the scope of a Select Committee to do that.

**Mr. F. E. James** (Madras: European): Mr. Deputy President, one of the most remarkable features of the Indian Civil Service is its versatility. You place one of its members in charge of agriculture, and he becomes a keen agriculturist. You put him in charge of the Ecclesiastical Department, and he becomes a zealous churchman; you put him in charge of the Army Department, and he becomes a militant soldier; you put him in charge of retrenchment, and he becomes keen on retrenchment; and the Honourable Member at present in charge of Railways is naturally keen on Railways and is displaying his tremendous ability in his desire to protect the Railways from unfair competition and I can understand his keenness in that direction. What I want to suggest to him is that possibly he may be displaying his keenness too zealously in protecting an institution which is bound to suffer from the march of progress. I detected from the Honourable Member's speech a certain underlying current of plaintiveness that in fact the Railways were being subjected to competition from motor transport. May I suggest to the Honourable Member that if the matter is taken in hand in the direction which has already been suggested by my Honourable friend, Mr. Neogy, there need be no unfair or harmful rivalry between Railways and motor transport. My Honourable friend is the Member for Railways. I should very much have preferred that he were Member for Communications and Transport generally, as then, I am perfectly sure, he would realise that there should be no real rivalry between these two forms of transport. Motor transport is, after all, the handmaid of rail transport and should be regarded as such, instead of which it is regarded as a scullery maid and is kicked all over the place, first of all by the Finance Department, and

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then by Local Governments. It is taxed by every municipality; it is taxed by local boards, it is taxed by the customs authorities, it is taxed in every conceivable form. I suggest to the Honourable Member that, instead of using this tremendous modern development as a means of helping Railways themselves, he and some of his colleagues have chosen to regard motor transport as something which should not exist in the presence of Railways.

Sir, I do not offer any opposition to this Bill except to suggest that the particular clause in question needs very careful redrafting, as has been suggested by one or two organisations whose opinions have been sought. But I do put forward,—and I use this as an occasion to put forward what has been put forward very ably by my friend, Mr. Neogy,—that this, after all, is only tinkering with the real question. The real question is how to co-ordinate these two great services of transport which are both absolutely necessary for the development of the country. Motor transport has come to stay. Motor transport deserves to stay, and it should be treated as the useful thing that it is. No doubt, it is putting the Railways on their mettle,—I don't mean literally so,—I mean metaphorically,—it is putting the Railways on their mettle; but I believe that Railways stand to gain ultimately, first of all by a more progressive policy in regard to its own passenger services,—I am referring particularly to third class passenger services,—and, secondly, by regarding roads and motor transport thereon as essential feeders. If the Railway Department and the Honourable Member concerned were to regard transport generally in this broader aspect, not only would the country itself benefit, but, I believe also, that Railways would stand to gain tremendously.

**Mr. S. O. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): Sir, when I heard the Honourable the Commerce Member speak, I thought that this was a very simple matter, and that it was really a one clause Bill; but, as I hear the other speakers, I am able to understand more clearly some of the difficulties and I hope the Honourable Member in his reply will make some of the points clear. I do not think my friend, Dr. Ziauddin, is quite correct when he says that in this Bill the question of all Railways is concerned. As I read the Bill, I find that the only clause to be amended by this Bill is clause (e) of section 51 of the Indian Railways Act, which says that "Any Railway Company, not being a Company for which the Statute 42 and 43 Victoria, Chapter 41, provides, may from time to time exercise, with the sanction of the Governor General in Council," and so on. I do not know how far I am correct in my contention that all the State-owned and Guaranteed Railways are not concerned in this Bill. If that is so, I do not know, how our State-owned Railways, conducted with a top heavy administration and similar other considerations come within the purview of this measure. If it is contended that this power is required for smaller Railways, and that the other power is already contained in the Statute for the State-owned and Guaranteed Railways, then, of course, the bigger question about the competition between motor transport and Railways comes in. So I should like to know from the Honourable the Commerce Member as to what exactly the position is.

Then, my friend, Mr. James, stated that bus companies and other means of transport would be put to a very unfair competition as against

those Railways, but I thought that the Honourable the Commerce Member had made it clear that in respect of the local rules, made by Local Governments or District Boards or local bodies, no attempt would be made to exempt these smaller Railways running these buses in a preferential manner than any other means of transport. If that is so, then, of course, no objection can be raised from that standpoint. I find that the Government of Bengal raise the same question as Mr. Neogy has raised. This is what they say :

"As regards the opinion of this Government, I am to say that the provisional view is that there is no objection to the proposed legislation, but that Government would prefer to await the receipt of the report of Messrs. Mitchell and Kirkness on the question of co-ordination of road development with Railways before arriving at a final opinion."

And certainly this House can claim that they should know the views of the experts on this general question of competition between Railways and motor buses, and if it is ready, I hope there will be no objection on the part of the Government to place that report before the Select Committee sits or, in any case, before the House is asked to come to a decision on this Bill. In the opinions expressed, the Burma Government say this, quoting the opinion of the Commissioner of Mandalay Division :

"The Commissioner, Mandalay Division, adds a warning that safeguards should be established against rate-cutting wars with companies already in existence, and that no attempt should be made to force the public to return to the Railway by first killing competition and then closing down the motor services."

It has been suggested by other bodies also that this motor transport should not be killed as it will serve the purpose of feeder lines to Railways. I think these are all matters of detail and can be gone into in the Select Committee. If the present Bill only deals with clause (e) of section 51 of the Railways Act, and if the purpose is to confine itself mainly to this one thing, then I think all the minor matters can be discussed and settled in the Select Committee, and we may not at this stage oppose this reference.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, on behalf of the bus-owners, I have no hesitation in opposing this Bill going to a Select Committee. Motor traffic has now come to stay in the country. It is rendering a very useful service. This service has now connected the remotest parts of the villages with the towns and the main Railway lines, and facilities are improving by leaps and bounds. Already unfortunately the bus service is being ruined due to various causes, and one of the causes is competition among themselves by cutting down their rates. They are also suffering from having to pay very heavy licensing fees imposed by the District Boards and other local authorities, and, therefore, the introduction of bus service by the Railway Department will mean an additional blow to the growth and development of motor traffic in this country.

Sir, this Bill is introduced just to put an end to the unfair competition that is going on in the country and the diminution of Railway revenues on account of bus services running in the country. I know that there is a real grievance that the Railways are losing to some extent on account of this competition. I can quote one instance. For instance, in the Mettupalayam-Nilgiris line, the traffic is falling off to a great extent on account of bus service running between Ooty and Mettupalayam. I am told that

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the road there was closed for some time for repairs and, during that period, the Railway got enhanced revenues on account of the compulsory stoppage of bus service for those few days. That is true, but the remedy proposed is not commensurate with the grievance. The mere fact that another bus service will run and compete with private bus service will not put an end to that grievance. I do not know if Mr. Mitchell's Committee which was referred to by Mr. Neogy is still sitting or has done its work. In any case, the report of that Committee is not before us. We have to examine the recommendations of that Committee and see how far we can alleviate the grievance. My Honourable friend, Dr. Ziauddin Ahmad, has brought to notice another important fact. He has rightly stated that there is the question of roads, and he has asked Government whether they are prepared to defray the expenses incurred on putting up bridges on roads or for repairing roads.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Sir Hari Singh Gour.]

At present most of the roads are under the management of the District Boards. There are no doubt trunk roads for the maintenance of which Government make full contribution, but yet those roads are managed by the District Boards, at any rate, in my Presidency for which I can speak. To put up bridges and culverts on trunk roads, Government make full contribution, but what about the other first class roads and second class roads which are under the control of the District Boards? Government contribute only a half grant for any bridges in the second class roads, but I know, as a matter of fact, that second class roads, connect very important places with railway stations, and the proposed bus service, if the Bill is passed, will have to run on those roads. There is no guarantee forthcoming that the Government are prepared to defray the whole expense of the maintenance or for putting up any necessary culverts. It is a notorious fact that District Boards are working at great deficits, and they could not find any money to repair those culverts or roads, and there must be some guarantee forthcoming from the Government that they are prepared to defray the expenses for putting up any bridges or for maintaining second class roads. We do not find any guarantee in that connection in the Bill. These are some of the considerations which we have to remember. Again, another fact is, whether, even if the bus service is introduced, it would work well. It would have to work in competition with private service. I know from experience that in the City of Madras, where a lot of private bus service has been established in recent times, the electric tramway company was losing heavily. So, the tramway company introduced buses to run in competition with the private bus service. The company purchased very big buses, and they had their own conductors and drivers who were paid amply. But I find now that all these buses have disappeared, and not a single bus of the company is to be seen. I think it is due to the fact of keen private competition. . . .

**Mr. F. E. James:** Taxation.

**Mr. T. N. Ramakrishna Reddi:** Yes, they have to meet heavy taxation. Coming to the question of taxation, when I was about to start for Delhi, there was a meeting of the District Board of my district where they

wanted to revise the taxation. The taxation is already heavy, and on that account some of the private bus owners are stopping their service. Still the District Board have begun to consider the question of further taxation. They are not satisfied with the licence fee that they are obtaining now.' Not only that, but they want to levy a uniform licence fee, that is to say, whether a bus runs ten miles or 70 or 80 miles, it will have to pay the same licence fee, and that will be another blow to the bus service. This aspect the Government will have to consider—if they would allow the District Boards to levy their own licence fees, whether it be high or low. There are various other questions which will have to be taken into account in giving our consent to this Bill going to a Select Committee. All these questions have not been dealt with in this Bill and the Government themselves have not expressed any opinion with regard to these things. Moreover, the report of the Mitchell Committee is not yet before us, and it is too premature for us to make up our minds on this Bill. So, I beg to oppose the motion.

**Mr. N. N. Anklesaria** (Bombay Northern Division: Non-Muhammadan Rural): Sir, I support the Honourable the Railway Member's motion. My Honourable friend, Dr. Ziauddin Ahmad, stated that he did not know what was relevancy. I quite agree with him in that statement of his. The reasons which he adduced for opposing the motion of the Commerce Member were perfectly irrelevant to the issue before us. The Honourable Doctor stated that if the Bill became an Act, some people who were plying motor buses for hire would suffer. I say, that is absolutely irrelevant to the question at issue in this Bill. As a matter of fact, as the Honourable the Railway Member made it clear, the railways are not going to have a monopoly of plying these buses for hire. If the private owner of buses plies his trade more economically and more efficiently and does really supply a public need, I submit he has got absolutely nothing to fear from Railway competition, but, as I said, the matter is absolutely irrelevant to the question involved in the present discussion. The question before this House and the whole country is whether our Railways should be made paying concerns or should be allowed to remain and continue as losing concerns. That, I submit, is the first question before the House and I think there can be only one answer to that question. The next question to be considered is whether this Bill would tend to make our Railways paying concerns and I think that this Bill, by removing an existing disqualification from the path of the Railways, will certainly tend to make them paying concerns. Of course there may be differences of opinion as regards the legal machinery by which our object is to be attained, but, I say, that is a matter absolutely for the Select Committee to consider, and I submit that all the arguments adduced against the present motion are relevant to be discussed in the Select Committee and in no way they affect the immediate question before the House. I, therefore, support this motion.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): My friend, Mr. Anklesaria, has put before us a very pertinent question. It is whether our Railways in which millions and millions of pounds have been sunk are to be profitable or not. Up to this time Railways have been profitable. They have been earning good dividends and that is the reason why the Company concerns were purchased at a very big price and the Companies made much money. But it is found



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latterly that the Railway Companies are not making as large profits as formerly. The only reason of this diminution of revenue is not the competition of the bus services. It may be one of the reasons, but there are other reasons also and I do not think that the bus service is contributing much towards the losses on the Railways. Until the competition from the bus services came, the Railways were very indifferent to the convenience of the people. The timings of the Railways were rather inconvenient and the Railway authorities paid no attention to the complaints that were made. When some of the Railways were constructed, it was done with a complete disregard of the convenience of the people. I would point out one instance, the Madras and Southern Mahratta Railway from Poona to Belgaum. It scrupulously avoided every populous town. It went through the depopulated country and it was connected with the big towns by roads and many of the stations were connected by such roads as the Satara Road, Sasvad Road, Gokak Road, and so on. Latterly, when the bus services started, they started on the provincial or imperial roads which passed through all the important places and they met the convenience of the people and, therefore, they drew a large passenger traffic from the Railway. The Railways in the olden days have committed mistakes and they have to suffer for them and what is the remedy now provided by this legislation? It proposes to allow the Railway authorities to have bus services to compete with the bus services already on the roads.

The Honourable the Commerce Member has told us that this legislation is not required for enabling the State-managed Railways to run buses; nor to enable the Company-managed Railways to run the bus service, but solely in the interests of the small feeder lines maintained by the local boards or small Companies. I may state here the way in which the Great Indian Peninsula Railway is now running a motor service from Talegaon to Junar. Junar is an inland town about 60 miles away from the Railway station and the bus service from Talegaon to Junar never competed with the Great Indian Peninsula Railway. It only served as a feeder to the Railway; but, in order to kill that bus service, the Great Indian Peninsula Railway is running a bus service of their own and it is a State-managed Railway. Such instances will be multiplied later on. The motor services already existing actually meet this need. This service really did not bring one more passenger to their Railway, because all of them were coming over that route. In the same way, the Madras and Southern Mahratta Railway may propose starting a motor service, but it is a well known fact that the Madras and Southern Mahratta Railway has been so very badly constructed or aligned that the most populous cities require a longer journey to take by the Railway. Take for instance, the distance between Belgaum and Dharwar. By the bus service it is about 42 miles. By the Railway it is 75 miles. Does the Railway expect that a man will travel 75 miles in order to help the Railway to earn revenue and not travel 42 miles on the road and save time and money? I am not going to help these Railway Companies to run motor service in order to kill the motor traffic. Do the Government expect that the motor service that will be started by Railway Companies will bring in more revenue to the Railways? For the sake of competition, they will have to lower

their rates in order to attract traffic from the present bus service. It is well known that the present bus service is working at rock bottom rates and if the Railway Company start their own bus service, they will have to accept those rates and compete on those terms. They will not bring any more profit to the Railway, but they will do a good deal of harm to others and, therefore, even if these feeder lines are empowered under this Bill to start bus service, they will not tend to increase their revenue, but perhaps it may injure others. Government should have thought twice before they brought in such legislation and, as the opinions of Local Governments are not favourable to this Bill, there is still time to consider **and postpone this Bill till more information is laid before this House and the report of the Road *versus* Railway Committee has been placed in our hands, as demanded by Mr. Neogy.**

**Sir Leslie Hudson** (Bombay: European): Sir, I move that the question  
+ P.M. be now put.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) resumed the Chair.]

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is that the question be now put.

The motion was negatived.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadani): Sir, I am glad that the Government have the good sense of not joining in the motion for closure. It was from a Member of the European Group that the motion for closure was put, when many Members of the Opposition stood up. Sir, this Bill is not as simple as it seems, and I shall say just a few words even at this late hour. In the first instance, I would like to point out that there seems to be a certain amount of inconsistency between the Statement of Objects and Reasons and the provision which is proposed to be inserted in this Bill. The last paragraph of that Statement says:

"It is proposed, therefore, by amending sub-section (e) of section 51 of the Act, to make it clear that the Railway Companies referred to in section 51 may own and operate unconditionally road motor services for the carriage of traffic in areas served by their Railway."

But what I find in the only operative part of the clause is this:

"(e) It may provide for and maintain any means of transport for the conveyance of passengers, animals or goods in any area to which access is afforded by its Railway;"

The Statement of Objects and Reasons proposes to confine this question to a competition between rail and motor transport only, but the Bill seeks to carry it much further, and tries to include other means of transport not contemplated in the Statement of Objects and Reasons; for instance,

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it may affect the river traffic, the canal traffic, road traffic by animal power, and so on. This is the all-embracing character of the provision which is now sought to be included. Then, again, the second point is that in the Statement of Objects and Reasons it is stated that unconditionally this competition may be allowed, whereas it may be necessary to impose, if desirable, conditions under which Railways may be allowed to compete even in questions of motor road transport; for instance, the local rates and taxes which other means of transport have to pay must be paid by the Railway Company if it enters into that sort of competition. Sir, this point has been made clear in the opinion of the Bihar and Orissa Government. It states in paragraph 3:

"If, however, it is decided to allow all Railways to have the right to run road services, it will be necessary, in order not to kill local enterprise as well as for other reasons, that the railway road services must be subject to the same taxation, both Central and Provincial, and Provincial control, as the private services. This has reference to the word 'unconditionally' in para. (3) of the Statement of Objects and Reasons."

Sir, the report of the Mitchell-Kirkness Committee has not yet been made available to Members of this House, and I would ask my Honourable friend in charge of this Bill whether it is fair to this House to ask us to accept the principles of the Bill without disclosing to us the contents of that document. It was circulated, I understand, to the Local Governments concerned, and I find that a reference to this report has been made in the opinion of the Bihar and Orissa Government, which says:

"The Mitchell-Kirkness report on the Rail-Road enquiry (Bihar and Orissa) estimates the loss to all Railways in Bihar and Orissa due to road competition to be rupees seven lakhs a year in passenger traffic."

and, then, the opinion which is expressed by this Government is that:

"It is extremely doubtful whether by running road services of their own, the Railways would be able to recover this traffic at a reasonable cost, because in Bihar and Orissa the competitive rail and road sections are of short lengths only, 50 miles and under. Further, it is not clear that the railway-run motor services can be run as cheaply and economically as the private services."

I shall not trouble the House with reproducing further quotations, but I shall mention in passing that the Bihar Chamber of Commerce also oppose this Bill. The only expert gentleman who was asked to make a report on this question in the Presidency of Madras gives an opinion which is adverse to this Bill. I find at page 8 of the opinions that Rao Bahadur T. K. T. Viraraghavachariar Avargal, the special officer who was appointed to investigate the question of co-ordination of road development with Railways, has stated:

"The term 'any means of transport' covers all other forms of transport besides motor transport, which is the only one mentioned in the Statement of Objects and Reasons as seriously affecting the revenues of certain small Railways not specifically mentioned. The terms of the amendment would enable Railways to start services to compete with legitimate and essential private enterprise in canal traffic as well as road traffic by animal power."

From his report, Sir, it appears that he is also not favourably disposed to this particular proposal which is before the House. Sir, the Railways with their vast resources command a monopoly in this country, and if they are allowed to encroach upon private enterprise, it will be a serious matter for private enterprise also. Those of us who have occasion to go up to Simla, for instance, know that the Railway between Kalka and Simla is not as much patronised as the motor transport between these two places, by reason of the fact that the motor transport is much cheaper, speedier and comfortable, and it is not proper that, without any thorough inquiry and without disclosing to us the full facts of the situation, this Bill should have been brought before us. I know that the revenues of the Railways are falling on account of the serious competition between private motor enterprise and themselves, but it is just possible that the Railways are not managing their affairs as efficiently as they are expected to do, and for their mismanagement certainly the tax-payers of this country and the public in general should not be made to pay the penalty. In these circumstances, Sir, I am very doubtful whether it will serve any public purpose to refer this Bill to a Select Committee, and as I do not agree with the main provision of the Bill, I am constrained to oppose it.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, in this Session as in the last Session we find that such Bills as concern more with the public interest and about which the public is feeling some sort of scepticism are rushed through in such a hurry that nothing can be done to them. I find that this Bill, which is not only concerned so much with the public revenues, but with the revenues of the Railways, is being rushed through in this Assembly. Few preliminary objections have been taken by Mr. Neogy and by Dr. Ziauddin Ahmad to this Bill. It can be very easily argued by our friend, Mr. Anklesaria, that Dr. Ziauddin Ahmad's objection as to the relevancy or the irrelevancy of the matter is not so very important. But the reasons which Dr. Ziauddin Ahmad gave were quite relevant and unanswerable.

The Railway Budget is always a deficit Budget and still we find that the Railway Department is intending to tap other sources of income which may cut the throat even of the public. Sir, in this age of depression, when the B. and N. W. and the R. K. Railways could not be purchased by the Government, it is rather surprising that they are going to handle such enormous schemes. It is said that the Railways will buy and carry on business of a very heavy kind, that is to say, grain, etc., will be taken from one part of the country to another, and it will be an extra source of income. My submission is that you are undoubtedly trying to do nothing but to enter into a business which you think will be more lucrative and you want to deprive the public of the profit which it is getting at present out of that business. Sir, it has always been fairly remarked that Government ought not to enter into such competitive business which the public has in hand. The Railway buses may be a convenience to the public, but they always arrange the timings in such a way that the public cannot get any benefit from them. The present motor buses which are being run in the country are being run from one place to another at the intervals of 10, 20 and 30 minutes, but this will not be done by the Rail Motors. They will arrange their timings according to the railway timings and fix their fares according to their needs. I do not think the Railway Department undertakes this motor transport simply for the convenience of

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the public, but it is to make money after stifling the great business which the Indians themselves are taking up in their hands. Sir, for a mighty Government like the Government of India it is unbecoming to enter into competition with those very poor people who are the subjects of the State. To stifle their business in this way is nothing short of cruelty. It is aptly said that a poor man should not build his house near the house of a rich man. This maxim, aptly fits in in the present case.

Sir, Railways can spend their capital in any way they like; they can borrow money and they can invest money in any business they like; but, in the present condition of the country, when there is depression all over, it is simply absurd to say that they ought to enter into a business like that. How could poor people then compete with them?

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): If these people strike, what will the Government do?

**Mr. Muhammad Azhar Ali**: It is not a question of railway strike that I am discussing. When Mr. Joshi gets up, he will be able to take up this question. I am sure, my friend, Mr. K. Ahmed, will be able to bring in his own constituency people to help us to tide over that difficulty. Sir, the position is very clear. The Opposition does not want to oppose this Bill at the present stage from going to the Select Committee, but the question is whether the Select Committee will allow such changes which the Opposition desires to make. If the Honourable the Mover of this Bill is prepared to satisfy the House that the members of the Select Committee will have a right to discuss the Bill, not only in its details, but also in its principle, then I think we might vote for the Select Committee.

**Mr. Laichand Navalrai** (Sind: Non-Muhammadan Rural): Sir, this question does not appear to be so easy nor is it only a trifling one as some Members seem to imagine. The point that we have to consider is whether this Bill, which is now before us, is for the benefit of the Railways only or is against the interests of private individuals. Sir, it has two sides. One is the claim of the Railways that their revenues have gone down on account of private transport business. On the other hand, the public say that they are the persons who at a great cost and inconvenience have been able to establish motor traffic business to give more convenience to the public and are running the buses at a cheaper rate. Therefore, these two questions have got to be considered very seriously. The main point that the House has got to consider is whether the private undertakings which are now in existence should be allowed to be affected in any way. In my humble opinion if the Company-managed Railways and even the State Railways are allowed to carry on this business in competition with the private individuals, the transport business of the private individuals will be ruined. I have great sympathy with the private individuals who had to run the motor buses when they were so needed. They have afforded great facilities to the travelling public for the performance of short journeys without waiting in expectation for long periods as they have had to do in the case of Railways. Therefore it should not be only for increasing the revenue of the Railways that this Bill should be passed. The original intention while starting these Railways was not to allow them to do any other business but to run railway conveyances and to be restricted to their own business. Why should they trespass upon the business of others to their detriment? Section 51(e) of the Indian Railways Act clearly provides that a Railway Company cannot own

and operate a road motor service as a feeder to its own railway, unless the traffic to be carried by such service is through-booked over the railway. A Company is also precluded from operating a road motor service where an adequate service is already in existence, and from running any other mode of conveyance parallel to its railway line. I do not see the least justification why this rule, which is a very salutary one, should be encroached upon and, therefore, I request the Railway Member and Government to find out ways of increasing their revenues in the proper and usual manner without encroaching upon the rights of others.

It appears to me that the Railways themselves are responsible for their income having gone down. It seems that the Railway authorities carry only one impression in their minds that they have only to earn money, that they are commercial bodies and that they should not care for the conveniences of the people or for any facilities that the people want. This can be fully illustrated by several instances that have happened. Even in this House questions have been very often put and statements made to the effect that there are several places where a direct Railway Service is needed. For instance, there is no direct Railway Service between Delhi and Karachi or between Jacobabad and Karachi *via* Dadu on the N. W. Railway. The Railway authorities have refused even to attach a composite for the purpose of getting this direct route to Karachi *via* Dadu; and, whenever a question is put, the reply is that it is pecuniarily disadvantageous to the Railway. We find, however, that there are several other lines on which they earn comparatively much more than the amount of conveniences required. Thus they should care for the convenience of the people on such lines where they may not be earning as much. Things like this have led to the introduction of the motor buses and the motor traffic and now that they have come with prominence, they should not be put down with a high hand. It is not fair at all. It appears to me that the remark that Dr. Ziauddin Ahmad made that the Railways should not ask for certain legislation before they have put their own house in order has great force. That advice should be taken, because at present the motor buses are giving better and cheaper service than the local trains are doing. For instance, we know that trains are running very slow and people have to lose a great deal of time. Why should people wait for these slow trains and not utilise this speedy road transport? Then, on the Railways, people have to wait long hours at junctions for train connections. For instance, on the N. W. Railway Ruk station passengers have to wait for two or three hours at dead of night for a connection. If such defects are there, how do Railway authorities expect sympathy from this House or from the public for competing with the motor bus services? Then, one finds that the railway fares are very much higher, and longer distances force heavier charges. An example of that has been already given, and I will also quote one more instance. Between Larkana and Kumber it is only about 14 miles, but the railway charges for about 22 or 23 miles. Is it fair that the Railway should not give conveniences, should not provide speedier trains and should not do away with the undue waiting at stations, when they charge higher fares? If they provide these conveniences, it will not be necessary for the Railways to run in competition with the motor services. Therefore, the Railways should think over all these and make out a case that they are very just in demanding that their revenues should be raised by road traffic competition. Then only they will have some case to come forward with; until such time, the Bill is premature.

**Mr. S. O. Sen** (Bengal National Chamber of Commerce: Indian Commerce): Sir, I understand from the Honourable the Commerce Member that the object of this Bill is that as, on account of road competition, by motor buses, the income of the small Railways has been reduced, this Bill has been introduced to enable these small Railway Companies to run their buses in competition with the road buses. This matter was considered by Government and a Committee was appointed, the report of which was to have been submitted to this House in November. In this connection I will refer the Honourable the Commerce Member to an assurance given by Sir C. P. Ramaswami Aiyar who was then Commerce Member, when he first introduced this Bill.

My friend, the Honourable Mr. Muazzam Sahib, at that time submitted that the report of the Committee to inquire into the co-ordination of the railways with the road traffic should be awaited and that this subject should be brought up after the report of that Committee is placed before this House. In answer to that, the then Commerce Member said: "I may at once assure the Honourable Member that the report will be published at the end of November, if not before." That was the assurance given or statement made by the Commerce Member, and that answer implied that he accepted the opinion of Mr. Muazzam Sahib, namely, that the consideration of this matter should be awaited till the report has been published. Our grievance here is this, that the Government are now rushing through this matter and putting it before the Select Committee before the House has had an opportunity of considering the report made by these two gentlemen who were appointed by the Government of India to make the report. That report would or ought to show, I submit, whether the losses said to have been incurred by these small Railways were due only to the competition with road buses or whether the losses were due to some other causes, namely, depression of trade and otherwise. If, to the latter cause, then this will be no remedy for the losses sustained, though I know that the small Railways are suffering losses. However, I do not think the time is ripe for this matter to be brought forward before the report has come before this House and we have had an opportunity of considering that report. Secondly, the Honourable the Commerce Member said that there was unfair competition between these small road buses and the Railway Services. I do not know how the competition is unfair. Of course this report, if it had been produced, would have shown in what way the competition was unfair or not. Now, to remedy these things only a small paragraph is to be added to section 51 of the Railways Act; and I put before the Honourable Member whether the running of the buses by these Railways will not put the Railway in a better position and in a much stronger position than those buses. The Honourable the Commerce Member knows perfectly well that under the Railways Act the liability of a Railway for losses, etc., is that of a bailee under the Contract Act, which means that the liability arises only on negligence, whereas the liability of these road buses is that of a carrier under the Carriers Act which is very similar to that of an insurer. By reason of putting this clause in the Railways Act, the Honourable the Commerce Member practically allows the Railways to run their buses as bailees and not as carriers. Therefore, they would be in a much better position than the ordinary carriers to carry on their business. That question should be thrashed out and another paragraph should be added or the Railways Act should be amended so as to make the position of the Railway buses exactly the same as that of the ordinary buses running on the road, on account of whose competition he

says he is introducing this Bill. With these words, I oppose this reference to the Select Committee as premature as I think that the Honourable the Commerce Member should wait until the production of the report made by these two gentlemen who were appointed by the Government of India.

**The Honourable Sir Joseph Bhore:** Sir, I did suggest that the speeches on the last occasion reflected a certain amount of misunderstanding and, if I may say so, I think the course of the debate this afternoon has justified that suggestion. My Honourable friend, Dr. Ziauddin, is, I know, a relentless critic of the Railway Administration. The Railway Administration is, I think, an obsession with him. I am always glad to sit at the feet of my Honourable friend and learn from him how railways should be run, and I have no doubt that I shall receive further suggestions and advice when we come to discuss the Railway Budget. But, in this particular case, may I point out to him that what my Honourable friend, Mr. S. C. Mitra, said was quite justified? The question of Railway Administration, that is, administration by the Railway Department does not come into the picture at all. I tried to explain in my opening speech that this amending Bill was not intended to confer any additional powers on State-managed Railways or on the large Company-managed Railways. So, how the question of administration by the Railway Board comes into the picture, I am not able to see.

Then, I would like to repudiate the suggestion which, I think, was implicit in Mr. James' remark, namely, that Railways regard motor transport as an undesirable rival. What we say is that the Railway and the road are complementary and that each should work in its most economic sphere, and that if co-operation and co-ordination between them were possible, it would redound to the great benefit of the country as a whole. Now, it has been suggested that Railways could not run buses as cheaply as private owners. If that is so, there should be no fear that private buses will be driven off the roads by Railway Companies. But what will perhaps happen—at any rate what I think may happen—is this: Railways will provide probably a safer, a better organised and a more convenient form of transport, and, even if this entails the levy of slightly higher charges, we may have a section of the public that will be prepared to pay higher rates for these amenities. Then it was suggested that Railways might first drive competitive motor traffic off the roads, and then force traffic back to the Railways. I think that that suggestion is unfounded. The case with which in this case motor competition can be re-established is, I think, a safeguard against any such contingency.

One Honourable Member raised the question of the maintenance of roads. I would submit that that question does not arise in this connection at all. What Mr. Mitra said he understood me to say was perfectly true. What I said was that, under the Bill, railway motor vehicles would not be placed in any privileged position. We are quite prepared to contemplate their subjection to the ordinary taxation, to the ordinary rules, to the ordinary regulations; and it is open to the Local Governments to decide what they may wish and what they think is just and proper and fair in this connection.

As regards the suggestion that we should see a powerful Government organisation using all its powers to crush private enterprise, I would again point out to my Honourable friend that there is no question of Government entering into competition with these private owners at all. Under present



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circumstances, the Government have the power in respect of its State-managed Railways to open and run such services. To the best of my knowledge, they have so far not done so. In this connection I would reply to my Honourable friend, Mr. Jadhav; if he will permit me, I will correct him in regard to the statement that he has made. It is not the fact that the service which he referred to is a railway service; it was a purely private bus service, and I am sure if he will make inquiries, he will see that my information is correct.

**Mr. B. V. Jadhav:** The timings are given in the Guide.

**The Honourable Sir Joseph Bhore:** That is perfectly true. It is a private bus service which times its running so as to suit the timings of the railway trains. That is all the connection there is between that service and the Railway.

My Honourable friend, Mr. Neogy, did raise two very pertinent questions. He has asked why we have brought this measure before the Report which has been drawn up by the two officers who have made an investigation into the question of motor competition has been published. I may say, Sir, that so far as that Report is concerned, it supports the action which we are taking under this Bill. That Report is ready; it is in print, and I trust it will be possible to place it either in the Library of the House or in the hands of individual Members of the Select Committee in the course of a few days. In fact, I would go further and say this that I realise the fairness of the comment of my friend, Mr. Neogy, and I would not ask the Select Committee to assemble and consider this measure until it has had ample time to go into the report. I, therefore, undertake, so far as lies in my power, that the Select Committee shall not meet until the Members of the Select Committee have had sufficient time to examine the contents of the Report.

There is only just one other question raised by Mr. Neogy. He asked whether I would be prepared to contemplate a radical change in the Bill during the course of its passage through the Select Committee. Now, Sir, in regard to that, I have only to say this, that if the Bill is recast so as to make it incompatible with the general objects and reasons, then I could not give support to such recasting, but my friend may rest assured that I will be entirely sympathetic towards any reasonable change which it may be found advisable to suggest as the result of examination and discussion in the Select Committee. I hope, Sir, with these assurances that I have given, my friends opposite will not oppose this reference to a Select Committee.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The question is:

"That the Bill further to amend the Indian Railways Act, 1890 for a certain purpose (*amendment of section 51*), be referred to a Select Committee consisting of Bhai Parma Nand, Mr. K. P. Thampan, Dr. Ziauddin Ahmad, Mr. S. C. Mitra, Mr. Muhammad Yamin Khan, Lala Rameshwar Prasad Bagla, Mr. R. Smith, Mr. M. Maswood Ahmad, Pandit Ram Krishna Jha, Dr. R. D. Dalal, Mr. P. R. Rau, the Honourable Sir Brojendra Mitter and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

## THE AUXILIARY FORCE (AMENDMENT) BILL.

**Mr. G. R. F. Toftenhams** (Army Secretary): Sir, I move:

"That the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes be referred to a Select Committee consisting of Sir Leslie Hudson, Sardar Sant Singh, Mr. Lalchand Navalrai, Mr. A. Hoon, Maulvi Muhammad Shafee Daoodi, Captain Sher Muhammad Khan Gakhar, Goswami M. R. Puri, Mr. J. Ramsay Scott, Lieut.-Colonel Sir Henry Gidney and the Mover, with instructions to report on or before the 28th February, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

In making this motion, Sir, I am not anticipating that the principles of this Bill will prove to be of a contentious nature or such as not to commend themselves readily to the majority of this House. It is rather that the provisions of the Bill itself, as they appear from the papers, may seem a trifle complicated. This, I think, must always be the case when you have an amending Bill which contains a fairly large number of clauses, and the only way to understand their effect is to take a copy of the Bill in one hand and a copy of the Act in the other and to see how they fit together. That is a process which, I think, can be more easily and efficiently performed round a table rather than on the floor of the House. If Honourable Members agree to send this Bill to the Select Committee, I have little doubt that we shall be able, in the Committee, to explain any doubts or difficulties that may arise on points of detail.

The main principles of the Bill are, I think, simple enough. It is primarily an economy measure. Under the Auxiliary Force Act, as it stands at present, the Auxiliary Force is divided into three classes, the Active Class, the A Reserve and the B Reserve. Membership of each of these classes is determined entirely by age. That is to say, a man until he is 31 is in the Active Class, from 31 to 40 he is in the A Reserve, and, after the age of 40, he goes into the B reserve. For each class a definite amount of training is prescribed by a Schedule to the Act itself, and cannot be varied except within very narrow limits. There is a section in the Act under which the training of an individual or even the training of an individual unit may be reduced, but it would obviously be improper and illegal to apply that section so as to curtail the training of the force as a whole.

Then, Sir, another somewhat curious provision of the present Act is that it gives to individuals in the Auxiliary Force the power to decide for themselves how much training they shall do; that is to say, they can claim to do more training than the amount that is actually prescribed for the class to which they belong. A member of the A Class Reserve can claim to do the training of the Active Class, and if he so claims, there is no discretion in the matter; he must be allowed to do it. As the members of the Auxiliary Force only receive pay when they are under training or when they are called out in aid of the civil power, it becomes obvious that, under the Act, as it stands at present, the military authorities have very slight control over the total amount of expenditure. If the force consists of so many people, then the funds to be spent on their training must amount to a certain minimum sum of money, according to the age and class of the people, and may amount to more than that minimum. If members of the Reserve Classes prefer to do more training than the law actually compels them to do.

[Mr. G. R. F. Tottenham.]

What we propose to do in this Bill is to reduce the number of classes in the Force and to have in future only one Active Class and one Reserve Class. Then we propose to prescribe an adequate period of annual training for the Active Class, but to retain to ourselves the right to reduce that training if absolutely necessary. For the Reserve Class we prescribe no training at all except for the performance of an annual musketry course, which will cost comparatively little money. Further, we propose to abolish the age limits on which classification is now based, and to leave it to the discretion of the Officer Commanding each unit to transfer his men from the Active Class to the Reserve when he thinks fit. Finally, we propose to withdraw from the individual the right to do more training than that prescribed for the class in which he is placed. In other words, Sir, we hope, without reducing the numbers of the Force as a whole, to reduce very considerably the numbers of the Active Class, that is to say, the more expensive portion of the force, and to restrict the Active Class in future to the numbers required for the tasks that they are likely to be called upon to perform and also to those men who will be able to turn out when those calls arise. I think it will be admitted that these principles are sound enough. However anxious people may be to receive a military training and however desirable it may be to provide facilities for such training, it is not justifiable to use the tax-payer's money either to train more people than are likely to be required, or to train people who, with the best will in the world, would not be able to respond to the call in a time of emergency, either because they were employed by Government or by a Railway Administration or by a private employer, who had prior claim on their services.

The fact remains, however, that the application of these principles is bound to create some amount of hardship for the individual. Some members of the Force who have in the past been accustomed to do their 16 days training a year and to draw pay for it may find themselves in the future transferred to the Reserve, where they will do no such training and draw no such pay. His Excellency the Commander-in-Chief, therefore, thought it desirable, before attempting to launch these reforms, to refer the matter to the units of the Force themselves and to invite their co-operation. A letter was accordingly sent round to all units in the Force some time last August or September and this was followed up by convening a large representative Committee in Delhi last November. That Committee contained representatives of the different units, and also a representative of the Anglo-Indian Association who was then a Member of this House. The Committee met in Delhi and sat for about a week. They discussed at length all our proposals. Various suggestions made by the units themselves were also examined, and a very large measure of agreement was reached. His Excellency the Commander-in-Chief was very much impressed by the spirit in which the need for economy was accepted by all concerned, and, as His Excellency the Viceroy said in addressing this House on February 1st, we owe a debt of gratitude to those immediately concerned for the manner in which our proposals have been received.

I do not think that there is anything more I need say at present, except to make three points. In the first place, these reforms that we hope to introduce will not, in our opinion, prejudicially affect the real efficiency of the Force. In the second place, if our proposals are accepted, they will mean a recurring saving of Rs. 15 lakhs in the budget for next year

and succeeding years. And, lastly, I should like to make it clear that these proposals have nothing whatever to do with the Indian Territorial Force. There is no proposal under consideration to reduce the periods of training for the Indian Territorial Force or in any other way to reduce the present level of expenditure on that Force. Sir, I move. (Applause.)

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes, be referred to a Select Committee consisting of Sir Leslie Hudson, Sardar Sant Singh, Mr. Lalchand Navalrai, Mr. A. Hoon, Maulvi Muhammad Shafee Daoodi, Captain Sher Muhammad Khan Gakhar, Goswami M. R. Puri, Mr. J. Ramsay Scott, Lieut.-Colonel Sir Henry Gidney, and the Mover, with instructions to report on or before the 28th February, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): May I ask, as Lieut.-Colonel Sir Henry Gidney has not yet taken the oath of allegiance, whether he is entitled to sit on the Select Committee?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I understand that Lieut.-Colonel Sir Henry Gidney has been nominated a Member of this House. It is true that the Honourable Member has not taken the oath of allegiance. It will be in order to include his name in the list of members for the Select Committee, but he would not be entitled to sit on that Committee unless he has taken the oath of allegiance before then.

The House now stands adjourned till 11 o'clock to-morrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 7th February, 1933.



## LEGISLATIVE ASSEMBLY.

*Tuesday, 7th February, 1933.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### RESOLUTION PASSED IN THE SPECIAL SESSION OF THE ALL-INDIA RAILWAY MUSLIM EMPLOYEES' ASSOCIATION.

221. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware of resolution No. 4 passed in the special session of the All-India Railway Muslim Employees' Association held on the 27th November, 1932?

(b) Will Government be pleased to state their views and policy on the question raised in the resolution mentioned in part (a)?

**Mr. P. R. Rau:** (a) Yes. My Honourable friend was good enough to send me a copy.

(b) The claims of Muslim subordinates receive careful consideration along with those of others when vacancies occur, and this will continue to be done.

#### RESOLUTION PASSED IN THE SPECIAL SESSION OF THE ALL-INDIA RAILWAY MUSLIM EMPLOYEES' ASSOCIATION.

222. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware of resolution No. 5 passed in the special session of the All-India Railway Muslim Employees' Association held on the 27th November, 1932?

(b) Will Government be pleased to state their views and policy on the question raised in the resolution mentioned in part (a)?

**Mr. P. R. Rau:** (a) Yes.

(b) In the instructions issued to State-managed Railways in 1931, it was made clear that all practical steps should be taken to see that the unfortunate necessity for reducing staff did not operate to the detriment of communities not at present adequately represented in the railway services. Subsequently in their communiqué of the 6th June, 1932, the Government made it plain that their acceptance of the recommendation of the Court of Enquiry that surplus employees should be discharged in accordance with the simple rule of length of service within each appropriate unit was subject to such adjustments as may be necessary to maintain the proportions of the various communities approximately at the levels at which they stood prior to retrenchment.

**Mr. K. Ahmed:** Is it not a fact that in spite of Lord Reading having made a declaration from Belvedere and subsequently reaffirmed by Government on several occasions, Mr. Hassan's report remains a dead letter and that the statement made by Mr. Rau will be of no use? If the answer is in the affirmative, do Government propose to take action to give effect to the declaration?

**Mr. P. R. Rau:** I hope that Mr. Hassan's report will not be a dead letter. When recruitment starts again these instructions will come into play.

**RESOLUTION PASSED IN THE SPECIAL SESSION OF THE ALL-INDIA RAILWAY  
MUSLIM EMPLOYEES' ASSOCIATION.**

**223. \*Mr. M. Maswood Ahmad:** (a) Are Government aware of resolution No. 6 passed in the special session of the All-India Railway Muslim Employees' Association held on the 27th November, 1932?

(b) Will Government be pleased to state their views and policy on the question raised in the resolution mentioned in part (a)?

**Mr. P. R. Rau:** (a) Yes.

(b) The intention is that discharged staff who are provided for in later vacancies as they occur should be re-employed and not reinstated.

**Mr. M. Maswood Ahmad:** Will Government be pleased to say whether they would have reinstated about half the half up till now?

**Mr. P. R. Rau:** I should like to have notice of that question. I should repeat that in these cases the staff are considered not as reinstated, but as re-employed.

**RESOLUTION PASSED IN THE SPECIAL SESSION OF THE ALL-INDIA RAILWAY  
MUSLIM EMPLOYEES' ASSOCIATION.**

**224. \*Mr. M. Maswood Ahmad:** (a) Are Government aware of resolution No. 7 passed in the special session of the All-India Railway Muslim Employees' Association held on the 27th November, 1932?

(b) Do Government propose to decide the question raised in the resolution mentioned in part (a)?

**Mr. P. R. Rau:** (a) Yes.

(b) I would suggest that the men concerned should represent their case to the Agent, East Indian Railway.

**RESOLUTION PASSED IN THE SPECIAL SESSION OF THE ALL-INDIA RAILWAY  
MUSLIM EMPLOYEES' ASSOCIATION.**

**225. \*Mr. M. Maswood Ahmad:** (a) Are Government aware of resolution No. 8 passed in the special session of the All-India Railway Muslim Employees' Association held on the 27th November, 1932?

(b) Will Government be pleased to state their views and policy on the question raised in the resolution mentioned in part (a)?

**Mr. P. R. Rau:** (a) Yes.

(b) Government are not aware that the office bearers and workers of the Association are being harassed by Railway officers.

**Mr. M. Maswood Ahmad:** Is it a fact that it is necessary that all the office bearers of these Muslim unions should take permission from the department?

**Mr. P. R. Rau:** I don't think so.

**Mr. M. Maswood Ahmad:** Are Government aware that the Audit Department has written an order on some appeal that the office bearers should take permission first and then take charge of the office?

**Mr. P. R. Rau:** I am not aware of that.

**Mr. M. Maswood Ahmad:** Will the Honourable Member please inquire into that matter?

**Mr. P. R. Rau:** If the Honourable Member will give me particulars of the instance he refers to, I shall take action.

**Dr. Ziauddin Ahmad:** That is a fact. I have also got a copy officially.

**RESOLUTION PASSED IN THE SPECIAL SESSION OF THE ALL-INDIA RAILWAY MUSLIM EMPLOYEES' ASSOCIATION.**

223. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware of resolution No. 9 passed in the special session of the All-India Railway Muslim Employees' Association held on the 27th November, 1932?

(b) Do Government propose to appoint a Muslim successor to that office?

**Mr. P. R. Rau:** (a) Yes.

(b) The post of Chief Personnel Officer, North Western Railway, has been abolished. The post of Deputy Agent (Personnel) has been filled in an officiating capacity by an officer who is considered the most suitable available and who has the special qualifications required for the post. He is not a Muslim.

**Mr. M. Maswood Ahmad:** Is it not a fact that Sir George Rainy promised that when this vacancy of a Deputy Agent would occur, the Department would consider the desirability of appointing a Muslim as Deputy Agent?

**Mr. P. R. Rau:** That is so, Sir.

**Mr. M. Maswood Ahmad:** Was this question considered at the time of this appointment?

**Mr. P. R. Rau:** I believe the Agent of the North Western Railway must have taken that into account when he made his recommendation.

**Mr. M. Maswood Ahmad:** The Honourable Member is not sure. He only believes.



RESOLUTION PASSED IN THE SPECIAL SESSION OF THE ALL-INDIA RAILWAY  
MUSLIM EMPLOYEES' ASSOCIATION.

227. \***Mr. M. Maswood Ahmad:** (a) Are Government aware of resolution No. 10 passed in the special session of the All-India Railway Muslim Employees' Association held on the 27th November, 1932?

(b) Will Government be pleased to state in what stage Mr. K. M. Hassan's report is pending?

(c) Will Government be pleased to state whether they have decided any definite policy regarding Mr. K. M. Hassan's recommendation or not?

**Mr. P. R. Rau:** I would draw my Honourable friend's attention to the answer I gave him on the 1st instant to his questions beginning with question No. 20.

DAILY ALLOWANCE OF THE MEMBERS OF THE VARIOUS RAILWAY ADVISORY  
COMMITTEES.

228. \***Nawab Naharsingji Ishwarsingji:** Are Government aware that the members of the various Railway Advisory Committees in each Province get Rs. 30 per day as allowance? If so, have Government considered the question of curtailing the allowance in these days of financial stringency?

**Mr. P. R. Rau:** Members of Local Advisory Committees, other than Government or Railway servants, receive a fee of Rs. 32 for every meeting attended. The question of reducing this fee has recently been considered by Government who came to the conclusion not to alter the existing arrangements.

**Dr. Ziauddin Ahmad:** What is the amount given per day?

**Mr. P. R. Rau:** They are given Rs. 32 not for every day, but for every meeting they attend.

**Dr. Ziauddin Ahmad:** The Standing Railway Finance Committee members get only Rs. 30 a day. Why is this distinction made between one Committee and another.

**Mr. P. R. Rau:** These Advisory Committees are not Committees of the Legislature.

EXTENSION OF THE TELEPHONE LINE FROM DISTRICT TO TALUKA  
HEADQUARTERS OF THE NORTHERN DIVISION OF THE BOMBAY  
PRESIDENCY.

229. \***Nawab Naharsingji Ishwarsingji:** Will Government be pleased to state whether they have any proposal to extend the telephone line from District headquarters to Taluka headquarters of the Northern Division of the Bombay Presidency?

**Sir Thomas Ryan:** Enquiries have been made from the Postmaster-General, Bombay, and he states that he knows nothing of any such proposal.

PASSPORT OF SWAMI BHAWANI DAYAL SANYASI VISITING SOUTH AFRICA.

230. **\*Mr. Gaya Prasad Singh:** Are Government aware that a communication was sent by the Government of Fiji to the Capetown authorities requiring endorsement to the following effect to be made in the passport of Swami Bhawani Dayal Sanyasi, who was on a visit to South Africa: "This passport is not valid for travel to the Fiji Islands"? Do Government propose to make an inquiry into this, and state the reasons for this action?

**Mr. G. S. Bajpai:** Government have no information on the subject nor do they propose to make any enquiries as Mr. Bhawani Dayal is a South African national.

ALLEGED TORTURE BY THE POLICE OF THE PUNJAB CONSPIRACY CASE PRISONERS.

231. **\*Pandit Satyendra Nath Sen:** Has the attention of Government been drawn to the report of police torture published in the *Amrita Bazar Patrika* of the 29th December, 1932, under the captions "Prisoner weeps in court", "Alleged Torture", "Punjab Conspiracy Case"?

**The Honourable Sir Harry Haig:** I have seen a newspaper report of a statement said to have been made by one of the accused in the Lahore Conspiracy case in the course of his examination by the Court.

**Pandit Satyendra Nath Sen:** Did Government make any inquiry into the allegations made in that report?

**The Honourable Sir Harry Haig:** It is not the business of Government to make inquiries into statements made before a Court while the case is pending.

**Pandit Satyendra Nath Sen:** Is it the policy of the Government of India even in extraordinary cases that come within the scope of Provincial Governments to remain indifferent and assume the attitude of lookers on?

**The Honourable Sir Harry Haig:** The point is that it is not open to the Government of India to interfere in the conduct of the case. This statement was made before a Court and it is for the Court to consider whether there is any truth in the statement, and not for the Government of India.

TROOPS FROM BRITISH INDIA SENT TO ALWAR STATE.

232. **\*Mr. M. Maswood Ahmad:** (a) How many troops from British India have been sent to the Alwar State?

(b) How many troops have been sent to the borders of the Alwar State in British India?

(c) If the reply to part (a) or (b) be in the affirmative, will Government be pleased to state whether the Government of the State will pay the cost of the troops or the cost will be met by the Indian treasury?

**Mr. G. R. F. Tottenham:** (a) 1 Battalion of Indian Infantry;  
1 Regiment (less one squadron) of Indian Cavalry;  
1 Section of Armoured Cars; and  
1 Signal Troop.

(b) None.

(c) The additional expenditure involved will be met by the Durbar.

**Mr. M. Maswood Ahmad:** Is the Indian Army under the State army officers?

**Mr. G. R. F. Tottenham:** No, Sir.

#### NOMINATION OF A MEMBER OF THE LEGISLATIVE ASSEMBLY TO THE BIHAR PROVINCIAL FRANCHISE COMMITTEE.

233. **\*Mr. M. Maswood Ahmad:** (a) Is there any member of the Legislative Assembly in the Bihar Provincial Franchise Committee?

(b) Is it a fact that several members have been co-opted and nominated in the Bihar Provincial Franchise Committee after its first formation?

(c) Is it a fact that by the death of a member of the Bihar Provincial Franchise Committee a seat has become vacant in the committee?

(d) Do Government propose to nominate any Member from the Legislative Assembly in the Bihar Provincial Franchise Committee?

**The Honourable Sir B. L. Mitter:** With your permission, Sir, I propose to answer questions Nos. 233 and 234 together.

The Bihar Provincial Franchise Committee is a committee appointed by the Local Government. I have no exact information either of its composition or of the lines on which it is working. But I understand that it is at this stage engaged simply on the preliminary exploration of such matters, for instance, as the delimitation of constituencies for the provincial legislature and points connected therewith which were not covered by the Lothian Committee's Report.

#### CONSIDERATION OF THE QUESTION OF SEATS OF THE LEGISLATIVE OR FEDERAL ASSEMBLY BY THE BIHAR PROVINCIAL FRANCHISE COMMITTEE.

†234. **\*Mr. M. Maswood Ahmad:** Will the present Bihar Provincial Franchise Committee consider the question of seats of the Legislative or Federal Assembly as well or a separate Provincial Franchise Committee will be formed for the Central Legislatures?

#### APPEALS SUBMITTED TO THE RAILWAY BOARD BY RAILWAY SERVANTS.

235. **\*Dr. Ziauddin Ahmad:** (a) Is it not a fact that the appeals submitted to the Railway Board by Railway servants are submitted to the Agents for disposal and report and the Agents pass them on to officers concerned and ultimately the appeal is decided by the person against whose orders the appeal is made?

(b) If it is not a fact, then what are the facts?

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†For answer to this question, see answer to question No. 233.

(c) How many appeals did the Railway Board receive in the calendar year 1932, and how many of such appeals did the Railway Board decide without reference to Agents?

(d) Will Government be pleased to place on the table or in the Library a tabulated list of appeals made to the Railway Board, mentioning in each case the manner in which such appeals were attended to?

**Mr. P. R. Rau:** (a) and (b). If an appeal does not lie to the Railway Board under the rules on the subject, it is returned to the appellant for submission to the proper authority. If an appeal does lie, it is examined by the Railway Board, but as a preliminary to such an examination a report from the Agent is called for.

(c) I would refer the Honourable Member to the reply I gave to part (d) of question No. 1215, asked by Mr. Lalchand Navalrai on the 15th November, 1932.

(d) Government regret they are unable to supply the information asked for by the Honourable Member, which cannot be collected without an undue expenditure of time and labour.

**Dr. Ziauddin Ahmad:** May I know if it is not a fact that in the vast majority of cases, even when the Railway Board is the final authority, they send the appeal to the Agent, that the latter then sends it to the Divisional Superintendent and the Divisional Superintendent again to the officer who passed the order and ultimately the appeal is really heard by that officer as virtually the appellate authority. Is it not a fact that this thing has happened in a large number of cases in the railway administrations. I ask, in how many cases, has it happened?

**Mr. P. R. Rau:** May I know what is the question?

**Dr. Ziauddin Ahmad:** My question is this. Is it not a fact that in a large number of cases the Railway Board sends the appeal to the Agent, then the Agent sends it to the Superintendent of the Division, and then the latter sends it to the subordinate officer who made the original order so that the appeal is in effect heard by the subordinate officer as being practically the appellate authority, and that this happens in a very large number of cases?

**Mr. P. R. Rau:** My Honourable friend is merely repeating part (a) of his question to which I have just given a reply.

**Dr. Ziauddin Ahmad:** I want the answer to my question. Is not what I have said the fact?

**Mr. P. R. Rau:** That is a question to which I did give a reply, but if my Honourable friend so wishes, I shall read it over again?

**Dr. Ziauddin Ahmad:** Will you please read it over again?

**Mr. P. R. Rau:** (a) and (b). If an appeal does not lie to the Railway Board under the rules on the subject, it is returned to the appellant for submission to the proper authority. If an appeal does lie, it is examined

by the Railway Board, but, as a preliminary to such an examination, a report from the Agent is called for.

Obviously, the Railway Board cannot consider an appeal *ex parte*.

**Mr. M. Maswood Ahmad:** Is it not a fact that the Agent, before giving his opinion, calls for the opinion of the officer who made that original order?

**Mr. P. R. Rau:** Obviously, Sir, the Agent must collect all the requisite information before sending in his recommendation to the Railway Board?

**Dr. Ziauddin Ahmad:** Who is the proper authority? Supposing it is against the orders of some subordinate officer, is it sent to him direct or to the Agent?

**Mr. P. R. Rau:** Nothing will be sent to the Divisional Superintendent direct by the Railway Board; it will always go to the Agent.

**Dr. Ziauddin Ahmad:** And then the Agent sends it to the Divisional Superintendent?

**Mr. P. R. Rau:** I do not know how exactly the Agent deals with these things, but the Agent must collect all the information before he can submit a report to the Railway Board.

**Dr. Ziauddin Ahmad:** If a Member of the Railway Board does not know how the Agent deals with such cases, I am very sorry, and this then is really bad administration of the Railways. You may take it from me that the Agent sends all these things to the Divisional Superintendent in the same way as the Railway Board sends it to the Agent, in order to avoid work and shirk responsibility, and then the Superintendent sends it to the subordinate officer, and so on.

**An Honourable Member:** That is real red tape.

**Mr. P. R. Rau:** I should like to return the compliment paid by my Honourable friend to my elocution and ask him to speak a little bit slower.

#### RAILWAY COMMITTEE PRESIDED OVER BY MR. POPE.

236. **\*Dr. Ziauddin Ahmad:** (a) Will Government be pleased to mention the terms of reference of the Committee presided over by Mr. Pope?

(b) What is the estimated cost of the Committee?

(c) Will the sanction of the Legislative Assembly be obtained for the expenditure incurred on this Committee?

(d) When is the Committee likely to finish its work?

**Mr. P. R. Rau:** (a) The investigation at present being undertaken on the Great Indian Peninsula Railway cannot, strictly speaking, be described as an investigation by a Committee presided over by Mr. Pope. Certain officers selected from different Railways have been associated with Mr. Pope in examining the method of work on the Great Indian Peninsula Railway in order to ascertain whether any of the methods of economies, which have been adopted with success on the London, Midland and Scottish

Railway, can be introduced here. It is intended that the officers associated with him will subsequently return to their railways and continue investigations on the lines indicated by him. No terms of reference have been formulated as it was considered unnecessary and undesirable to bind Mr. Pope to any exact lines of enquiry, but before he started on his investigation, Mr. Pope had a meeting with the various Agents of State-managed Railways and the Railway Board when he had an opportunity to exchange ideas on the subject.

(b) The estimated cost, so far as Mr. Pope is concerned, is Rs. 15,000. It is not known at present how long investigations by the other officers on individual railways will last, and it is impossible for the present to give any idea of the cost of their investigations.

(c) The expenditure of Rs. 15,000 likely to be incurred on Mr. Pope's deputation to India can be met from the lump sum of Rs. 50,000 granted by the Assembly for such investigations during the year and it is unnecessary to obtain a specific sanction for it.

(d) Mr. Pope expects to finish his investigation by the end of February, but, as I have already said, it is not possible to say at present when the other investigations, to which this is only a preliminary, will be completed.

**Dr. Ziauddin Ahmad:** In view of the fact that such a large provision is made in the lump sum for contingency that the expenditure of a committee of inquiry can be met out of that lump sum, I ask whether that is a justifiable and reasonable way of presenting the Railway Budget to the Assembly?

**Mr. P. R. Rau:** The Assembly, Sir, must have considered it justifiable; as otherwise they would not have passed it.

**Dr. Ziauddin Ahmad:** You arrange the Railway Budget in such a manner that when the guillotine is placed, we have no opportunity of expressing an opinion on many Demands. I ask, if it is justifiable to put a very large amount in lump sum for contingency so that you can meet the whole cost of a committee of inquiry out of that lump sum? I take it in every other Department a special sanction has to be obtained for a committee of inquiry, but not in the case of the Railways.

**Mr. P. R. Rau:** This question of a lump sum for special investigation was considered by the Railway Retrenchment Committee, who recommended that a sum not exceeding a lakh of rupees should be provided every year in the Budget.

**Dr. Ziauddin Ahmad:** May I know, since the Financial Commissioner is a representative not of the Railway Board but of the Finance Department, is it not his duty to see that a lump sum should not be provided in such a manner that a sum of Rs. 50,000 can be spared on a committee of inquiry through the head of extra contingencies which they have obtained?

**Mr. P. R. Rau:** But the sum of Rs. 50,000 is set apart as a lump sum for investigations and inquiries which are likely to be useful to Railways as a whole; and such a sum, I may say, has been provided ever since I knew anything of the Railway Budget, and the sum has been reduced to Rs. 50,000 this year.

**Mr. K. C. Neogy:** Does my Honourable friend accept Dr. Ziauddin's description of him as not being a Member of the Railway Board, but only a representative of the Finance Department?

**The Honourable Sir Joseph Bhore:** I suggest, Sir, that that point hardly arises out of the question.

**Dr. Ziauddin Ahmad:** May I ask, simply because this has been the practice for many years, is that a sufficient justification for the practice? We have also been emphasizing all the time that the Railway Department is very badly mismanaged.

**Mr. Deputy President:** I think the Honourable Member must ask a specific question and not make such detailed explanations.

**Dr. Ziauddin Ahmad:** I wanted to end by interrogations. Now I begin with interrogations. I ask, whether it is a fact that we have been complaining all the time about the mismanagement in the Railway Department and is it not also the fact that they obtain such large sums of money under the head "Contingencies" that they can meet therefrom the cost of committees of inquiry? Is it not also the fact that such a practice will not be tolerated by the Finance Member in any other Department excepting the Railways?

**The Honourable Sir Joseph Bhore:** Sir, may I suggest to my Honourable friend that it would serve his purpose and the purpose of this House better if he would confine himself to asking one question at a time. I will, however, proceed to answer his first question. It merely repeats what I said yesterday that my Honourable friend, Dr. Ziauddin Ahmad, has taken every opportunity he can possibly take to criticize the working of the Administration and the preparation of its Budget. He is quite right on that point. (Laughter.)

**Dr. Ziauddin Ahmad:** But everything that I have said was practically lost; the Railway Board do what they like, and . . .

**The Honourable Sir Joseph Bhore:** May I suggest, Sir, that my Honourable friend is making a statement and not asking a supplementary question.

**Mr. Deputy President:** The Honourable Member wants to know whether that is a fact or not.

**The Honourable Sir Joseph Bhore:** May I draw the Honourable Member's attention to what I said yesterday, namely, that I am always ready to sit at the feet of my Honourable friend and learn from him how our Railways should be managed.

#### APPOINTMENT OF THE STENOGRAPHER TO THE SUPERINTENDENT OF EDUCATION, DELHI, AJMER-MERWARA AND CENTRAL INDIA.

237. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the stenographer of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India, was appointed on a temporary post in November, 1931?

(b) Is it a fact that the Chief Commissioner, Delhi, in July, 1931, issued a circular letter that appointments made after the 15th July, 1931, would be on temporary basis, *viz.*, in officiating capacity until further orders?

(c) Is it a fact that the Chief Commissioner, Delhi, in the month of June or July, 1932, issued another letter that the pay of the additional staff given to the Superintendent of Education would be subject to revision after the general revision of salaries made by the Government of India?

(d) Is it a fact that under rules the incumbents whose pay is subject to revision cannot be confirmed?

(e) Is it a fact that the Superintendent of Education recommended that his stenographer should be exempted from the conditions mentioned in parts (b) and (c) above?

(f) If the reply to part (e) be in the affirmative, will Government please state the reasons for which the Superintendent of Education recommended for the exemption of the stenographer from the list of those whose pay was subject to revision?

(g) Will Government be pleased to state whether the Superintendent of Education has requested the Chief Commissioner, Delhi, for exemption of any other employee of his office from the list of those whose pay was subject to revision?

(h) Is it a fact that a similar case of a teacher in a Government institution in Delhi was rejected by the Chief Commissioner, Delhi, on the basis of his circular letter mentioned in part (b) above and the former has not yet been confirmed? If so, why?

**Mr. G. S. Bajpai:** (a), (b) and (c). The reply is in the affirmative. The orders of the Chief Commissioner, Delhi, did not, apply to the case of the stenographer of the Superintendent of Education, Delhi, as, prior to his transfer to his present post, he held a substantive appointment under the Board of Education, Delhi.

(d) The Honourable Member is apparently referring to the orders contained in the Finance Department Resolution No. D./4523-Ex. I/31, dated the 9th July, 1931, which do not apply to the stenographer.

(e) No.

(f) Does not arise.

(g) No.

(h) An inquiry is being made.

#### APPOINTMENT OF THE STENOGRAPHER TO THE SUPERINTENDENT OF EDUCATION, DELHI, AJMER-MERWARA AND CENTRAL INDIA.

233. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the stenographer of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India, apart from his duty as stenographer, has been entrusted with the following works:

- (i) Supervision of Central India Agency clerical work.
- (ii) Examiner of one or two subjects of the examinations conducted by the Board of Secondary Education, Delhi.
- (iii) Registrar of the examination conducted by the Head Masters' Association, Delhi.
- (iv) Tabulator or scrutinizer of the examination results of the Board of Secondary Education, Delhi?



(b) Will Government be pleased to state what other duties have been entrusted to the stenographer mentioned above?

(c) Will Government be pleased to state whether all of these functions or any one of them were entrusted to the predecessor of the present incumbent?

(d) If the reply to part (c) above be in the negative, will Government be pleased to state the reasons for entrusting so many duties to the present incumbent?

(e) Will Government be pleased to state what remuneration for each work is earned by the stenographer?

**Mr. G. S. Bajpai:** (a) (i) and (ii). The attention of the Honourable Member is invited to the replies given to his starred questions Nos. 1633 and 1634 on the 12th December, 1932.

(iii) No.

(iv) The Board of Secondary Education, Delhi, cannot for obvious reasons divulge the names of tabulators and scrutinizers of results in public examinations.

(b) Besides the normal duties of stenographer and the supervision of clerical work of the Central India Branch in the office of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India, no other duties have been entrusted to him by the Superintendent of Education.

(c) With the exception of (i) none of these duties are in the gift of Government. In the case of (i) the secretariat portion of the work—now transferred to Delhi, because the Superintendent of Education has been made Secretary to the Agent to the Governor General, Central India for Education—was done and the allowance therefor drawn by an assistant in the office of the Central India Agency at Indore till February 1932. The question of entrusting these duties to the former stenographer did not, therefore, arise.

(d) Does not arise since the present incumbent performs only the duties mentioned in (i) and (ii) of part (a) of the question. The reasons for entrusting him with these duties have already been fully explained in the answers given to the Honourable Member's previous questions on the same subject.

(e) For (i) Rs. 25 per mensem.

For (ii) a total payment of Rs. 50 for the examinership.

**Mr. M. Maswood Ahmad:** Is it a fact that some of these posts mentioned in part (a) have been entrusted to this stenographer by some semi-official bodies?

**Mr. G. S. Bajpai:** I am afraid I am not responsible for the activities of the so-called semi-official bodies.

**Dr. Ziauddin Ahmad:** May I ask, what are the educational qualifications of this wonderful stenographer who acts as an examiner in the commercial diploma examination, in the examination of Secondary Education Board and elsewhere, and is also competent to tabulate the results and does other educational work and is thoroughly reliable?

**Mr. G. S. Bajpai:** He is an Honours Graduate of the University of Delhi. What subjects he took for that examination, I am not in a position to say, but I can ascertain that and convey the information to the Honourable Member. I would, however, point out that he is appointed as an examiner, not by the Superintendent of Education, but by the Board of Secondary Education, and I presume they know their business.

**Dr. Ziauddin Ahmad:** Is it not a fact that the Superintendent of Education is the Chairman of this Board and, as such, he has got full powers? Also is it not a fact that the Superintendent conducts himself the commercial diploma examination and, therefore, he has got the complete handling of the appointments of examiners?

**Mr. G. S. Bajpai:** My Honourable friend is a past master in the subject of education and he ought to know, as well as I do, that the Chairman of a Board—be it a Board of Education or any other—has merely the casting vote and that the decision is the decision of the Board itself, that is to say, the decision of the majority.

**Dr. Ziauddin Ahmad:** This is not the case. He has not only the casting vote, but he has the deciding vote.

**Mr. G. S. Bajpai:** I have taken the precaution to ascertain from the Superintendent of Education that, at any rate, in this Board the normal procedure, namely, the decision of a matter by a majority is followed.

**Dr. Ziauddin Ahmad:** Is it a fact that this is a very unusual practice that the stenographer of the Superintendent should be appointed an examiner in all these departments which are conducted by the Superintendent himself?

**Mr. G. S. Bajpai:** My Honourable friend, Sir, seems to have missed the point of the answer which I gave last Session, namely, that this stenographer was appointed an examiner before he was appointed to the post of the stenographer. If my Honourable friend's suggestion is that his appointment as a stenographer should penalise him and he should not be given the appointment of an examiner, that is another matter.

**Dr. Ziauddin Ahmad:** So long as the person has not been appointed as a stenographer to the Superintendent, he may be doing any work, but, as soon as he accepts this particular office, it becomes very unusual that the stenographer of the head of the department should be appointed an examiner?

**Mr. G. S. Bajpai:** I am quite prepared to accept my Honourable friend's version that it is unusual, and will convey it to the authorities concerned.

**Dr. Ziauddin Ahmad:** From a series of questions that have been asked in this Assembly about this stenographer, it strikes me as though he is the custodian of the wisdom of the Superintendent and his office.

**Mr. G. S. Bajpai:** That, Sir, is a suggestion which I for one am not prepared to accept.

**Mr. M. Maswood Ahmad:** Is it not a fact that apart from his duties, this stenographer prepared the general Educational Tables of the Central India Agency and got a remuneration of something like Rs. 90?

**Mr. G. S. Bajpai:** I confess that the Department of Education, Health and Lands has not yet converted itself into an encyclopædia of the activities of this stenographer. It may be that he did get Rs. 90 for doing some tabulating work. If my Honourable friend will put a specific question on this subject, I shall be glad to obtain the information for him.

**Mr. M. Maswood Ahmad:** I have already asked that information in part (b) of my question which runs:

"Will Government be pleased to state what other duties have been entrusted to the stenographer mentioned above?"

**Mr. G. S. Bajpai:** My Honourable friend seems to have missed my answer which says that Government can give information as regards the duties which they have entrusted to this stenographer, but they cannot make an omnibus inquiry as to the duties which are entrusted to him by somebody else.

**Mr. Gaya Prasad Singh:** Is this stenographer a non-Muslim, Sir?

**Mr. G. S. Bajpai:** I believe that is a fact.

**Mr. Gaya Prasad Singh:** Is it a fact that he has failed a few Muslim candidates in the examination?

**Mr. G. S. Bajpai:** Will the Honourable Member kindly repeat his question? I could not catch it.

**Dr. Ziauddin Ahmad:** If this is the insinuation in the last question, I should certainly suggest that he should cease to be a stenographer. I leave it here and have no more questions to ask.

**Mr. G. S. Bajpai:** I am not in a position to say anything in the matter.

**Mr. M. Maswood Ahmad:** May I ask, Sir, whether these functions are performed by the stenographer during his office time or during this leisure time?

**Mr. G. S. Bajpai:** The functions that he is called upon to perform as an officer of Government are performed both in office time and, if necessary, outside office time as well. The functions which are entrusted to him by an outside body can only be performed by him outside office hours.

#### ALLOTMENT OF A FREE QUARTER TO THE STENOGRAPHER TO THE SUPERINTENDENT OF EDUCATION, DELHI, AJMER-MERWARA AND CENTRAL INDIA.

239. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that a free quarter has been allotted to the stenographer of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India?

(b) Is it a fact that the quarter in question was taken from the Chief Commissioner, Delhi, for the free lodging of the Ajmer office clerk?

(c) Is it a fact that two clerks of the Ajmer-Merwara office refused to stay in that quarter, because they were inhabitants of Delhi?

(d) Will Government be pleased to state whether it is a fact that the present clerk of the Ajmer office applied for the same quarter and was refused?

(e) If the reply to part (d) above be in the affirmative, will Government be pleased to state the reasons why the Ajmer clerk was not allotted the quarter which was meant for him?

(f) Is it a fact that the predecessor of the present stenographer was not favoured with a free quarter?

**Mr. G. S. Bajpai:** (a), (b) and (c). The attention of the Honourable Member is invited to the reply given to his starred question No. 1631 on the 12th December, 1932.

(c) No.

(d) Yes.

(f) Yes.

**Dr. Ziauddin Ahmad:** Has the Honourable gentleman made inquiries about the matter? Is he sure that the answer he has given is correct?

**Mr. G. S. Bajpai:** I am quite sure, Sir, that the answer is correct, because this is not the first time that the question has been asked.

#### BOMB EXPLOSION INCIDENT NEAR JUMA MOSQUE, DELHI.

240. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state full facts about the bomb explosion incident near Juma Mosque, Delhi?

(b) Has the above-mentioned incident any connection with the *Muhajrin* of Alwar?

(c) Will Government be pleased to state whether the rumour that the bomb was placed by some one to injure the *Muhajrin* of Alwar has any truth?

**The Honourable Sir Harry Haig:** (a) On the 7th of January, 1933, it was reported to the police that a bomb had exploded near the Juma Mosque. The Police found some fragments of an exploded bomb and two more live bombs within a few feet of the road and at a distance of 25 yards from the camp of the refugees from Alwar. The bombs were about the size of tennis balls and appeared to be ordinary *patakas* with the addition of broken glass. Two brothers, Samiullah and Rafiullah, received minor injuries from the explosion; they had brought a motor lorry alongside the road and Samiullah had accidentally moved the bomb which exploded injuring them both. The persons responsible for the bombs have not yet been traced.

(b) and (c). Though the incident happened near the camp of the *Muhajrin* of Alwar there is no proof that it was intended to injure them.

## ELECTION OF GOVERNMENT SERVANTS TO MUNICIPAL BOARDS.

241. **\*Mr. T. N. Ramakrishna Reddi** (on behalf of Mr. B. Rajaram Pandian): Will Government be pleased to state:

- (a) whether it is a fact that Government servants are debarred from seeking election to the Municipal Boards and, if so, under what authority; and
- (b) whether they are aware of any instances in which a Government servant was asked to resign his membership of the Board?

**The Honourable Sir Harry Haig:** (a) I invite the Honourable Member's attention to rule 23 (4) of the Government Servants' Conduct Rules, a copy of which is in the Library of the House.

(b) Government have no information.

## ASSESSMENT OF INCOME-TAX AND SUPER-TAX IN THE PUNJAB.

242. **\*Sardar Sant Singh** (on behalf of Mr. Jagan Nath Aggarwal): Will Government kindly state:

- (a) how much (i) income-tax and (ii) super-tax was assessed in the Punjab in the year 1930-31;
- (b) how much under each of the above two heads was assessed communitywise, viz. (i) Hindus, (ii) Sikhs and (iii) Muhammadans?

**The Honourable Sir George Schuster:** I invite the Honourable Member's attention to the reply which I gave to a similar question (No. 95) by Mr. B. R. Puri.

## RELAXATION OF AGE-LIMIT FOR ENTRANCE INTO PUBLIC SERVICE.

243. **\*Mr. Lalchand Navalrai:** (a) Are Government aware that on account of retrenchment, when no new recruitment is being made in service, candidates are likely to get over-aged for entrance into public service?

(b) Do Government propose to condone their age limit when the time comes to admit such new recruits into service? If not, why not? If yes, do Government propose to issue such a circular?

**The Honourable Sir Harry Haig:** I would refer the Honourable Member to the reply given on the 1st February, 1933, to Mr. Maswood Ahmad's starred question No. 16.

**Mr. Lalchand Navalrai:** I know that reply: it was in the negative. What I want to know is whether any way out of the difficulty has been found for these people who could not anticipate that there would be no recruitment and have now been stranded?

**The Honourable Sir Harry Haig:** It is a hardship, I admit. But these are exceptional conditions and whatever we do is bound to upset the normal course of events.

**Mr. Balchand Navalrai:** Is it not also an exception made in the case of these men and should not some time be given to them? Are Government inclined to consider this question again?

**The Honourable Sir Harry Haig:** I think, Sir, in the question of age limits some discretion remains with the head of a department.

**Mr. K. Ahmed:** Was it not the retrenchment rule that after a certain age officials must retire and be removed?

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to ask the heads of offices to use their discretion in this matter when applications are made?

**The Honourable Sir Harry Haig:** I am sure the heads of offices will be fully aware of the complaint to which the Honourable Member refers.

**Mr. M. Maswood Ahmad:** Is it a fact that heads of departments can condone the age limit?

**The Honourable Sir Harry Haig:** I think, Sir, there is a certain amount of discretion reserved to heads of departments in certain cases.

**Dr. Ziauddin Ahmad:** May I put the question in another form? Will Government be pleased to consider the question of increasing the age limit for the next two years in view of the fact that for three years the Government of India had no appointments on account of retrenchment?

**The Honourable Sir Harry Haig:** No, Sir; I think that would give rise to considerable inconvenience.

**Mr. K. Ahmed:** If one officer retires on account of having reached the age limit, can he be re-appointed in another place under Government?

**The Honourable Sir Harry Haig:** I am not sure that I quite followed the case that the Honourable Member was putting.

**Mr. K. Ahmed:** For instance, if an officer retires from a certain judicial post, can he be taken in another statutory post under Government?

**The Honourable Sir Harry Haig:** I think, Sir, there are certain rules under which a pensioned officer may, under certain conditions, be re-employed.

**Mr. K. Ahmed:** What are those conditions?

**The Honourable Sir Harry Haig:** I am afraid I have to refer the Honourable Member to the Civil Service Regulations or some other compilation in which the details are given.

**Mr. K. Ahmed:** Is it not a fact that the Secretary of State has already forwarded certain rules to the Home Department of the Government of India and the Home Department did not follow them in certain cases and that their recommendation was over-ruled?

**The Honourable Sir Harry Haig:** I am afraid I have no idea of what the Honourable Member is referring to. If he will put down a specific question, I shall be very glad to have the matter looked up and give him an answer.

**Mr. K. Ahmed:** Is it not a fact that in the case of certain people whose age limit was in question, the Government of India recommended their retention beyond 60 years of age and the Secretary of State cancelled it?

**The Honourable Sir Harry Haig:** I have already said that I do not know what the matter is that the Honourable Member is referring to and that, if he will put it down in plain language and give me notice, I shall be very glad to give him an answer.

**Mr. M. Maswood Ahmad:** Are Government aware that by condoning the age limit temporarily, they may get a wider range for selecting candidates for employment?

**The Honourable Sir Harry Haig:** I do not think there is any suggestion that we are unable to obtain suitable candidates.

**Mr. S. C. Mitra:** Will it not affect the claims of others who will come of age by that time if Government are over-anxious to provide for these age-barred candidates only?

**The Honourable Sir Harry Haig:** That is certainly the case.

#### TEN PER CENT. EMERGENCY CUT.

244. **\*Mr. Lalchand Navalrai:** Will Government be pleased to state if it was not the express intention of Government to limit the operation of the ten per cent. emergency cut to March, 1933? If yes, is that cut going to be abolished from April, 1933? If not, why not?

**The Honourable Sir George Schuster:** The Honourable Member's attention is invited to the Press communiqué on the subject dated the 3rd February, 1933.

**Mr. Lalchand Navalrai:** May I know if Government is in a mood to reconsider it when circumstances change and increase the amount of restoration?

**The Honourable Sir George Schuster:** It was clearly explained in the Press communiqué that Government had reached a certain conclusion after very careful consideration of all the relevant facts. That conclusion was reached on the 3rd February, that is to say, not more than three days ago; and I think it is hardly likely that Government are yet in a mood to reconsider the matter. Government will not be in a mood to reconsider the matter until the facts on which such decisions were based are changed.

**Mr. Lalchand Navalrai:** Then am I to understand that Government are open to conviction when circumstances change?

**The Honourable Sir George Schuster:** Obviously Government's action in this matter is determined by the circumstances at the time. If circumstances change, Government's decision on the matter might also change.

**Sardar Sant Singh:** Is it not a fact that the Chambers of Commerce in India are against the restoration altogether, because interests other than the salaried servants of Government require relief?

**The Honourable Sir George Schuster:** That view has been expressed in certain quarters; I do not know that the Chambers of Commerce are specially associated with it.

**Dr. Ziauddin Ahmad:** Did Government fully consider the income and expenditure of the Government of India when they restored this five per cent. cut?

**The Honourable Sir George Schuster:** I think it must be obvious to my Honourable friend that that was the chief consideration in Government's mind.

**Dr. Ziauddin Ahmad:** Then does it not follow that the expenditure which they are going to demand from the Assembly and the income which they are going to demand under the Finance Bill are supposed to have been already sanctioned by the Assembly, and our future discussions will all be a farce?

**The Honourable Sir George Schuster:** I think my Honourable friend is under some misapprehension in the matter. The extra expenditure which Government will incur as a result of reducing the cut from ten per cent. to five per cent. in comparison with the expenditure which they are incurring this year will all, so far as it is votable, have to come before the Assembly for its approval. There is no distinction between the increase caused by this proposal and any other grant for expenditure.

**Mr. M. Maswood Ahmad:** Will Government be pleased to state whether they will gain or lose by this circular?

**The Honourable Sir George Schuster:** I am afraid I have not quite followed the question, but it must be obvious what will be the result of a reduction of the cut from ten per cent. to five per cent. I do not follow what my Honourable friend is asking.

**Mr. M. Maswood Ahmad:** My point is that by the present circular the Honourable Member has restored five per cent. of the cut and they intend to take the higher income-tax from their employees. By that do they expect some gain to the Indian treasury or do they apprehend some loss?

**The Honourable Sir George Schuster:** I am sorry that I did not follow my Honourable friend's question. Of course that is the result. As far as the Government of India are concerned, they will recoup to



themselves quite a substantial portion of the extra amount incurred on salary expenditure out of the income-tax levied on salaries of Government officials.

**Sardar Sant Singh:** May I know if the Standing Finance Committee of this House was consulted before this cut was restored?

**The Honourable Sir George Schuster:** There is no provision in the regulations which govern the procedure of the Standing Finance Committee which would have made it appropriate for the Government to put a proposal of this kind before it.

**Mr. Gaya Prasad Singh:** Do I understand that in making this reduction in the cut, Government have taken note that no additional burden in the way of new taxation should be imposed upon the tax-payers of the country?

**The Honourable Sir George Schuster:** Government certainly took that aspect of the matter into account. But my Honourable friend will understand that I cannot give him a categorical answer to that question without disclosing what is the Government's budgetary plan for this year; and that, if I may say so, is one of the reasons why it would have been exceedingly difficult to discuss the matter yesterday if you, Sir, had allowed a discussion.

**Dr. Ziauddin Ahmad:** May I ask if there is any regulation defining the powers of the Standing Finance Committee?

**The Honourable Sir George Schuster:** The Standing Finance Committee deals essentially with what are described as new services. Everything which is technically a new service has, according to the regulations, to be submitted to the Standing Finance Committee. The restoration of normal rates of pay is not in any sense a new service.

**Dr. Ziauddin Ahmad:** Does any regulation exist defining the powers of the Standing Finance Committee? Do not the powers and duties of the Standing Finance Committee depend on the sweet will of the Finance Member?

**The Honourable Sir George Schuster:** No, Sir; it is not dependent upon the discretion of the Finance Member at all. The Standing Finance Committee works according to a certain procedure which has been established in various ways.

**Sardar Sant Singh:** May I know, if the Government, when coming to this decision that salaries should be restored to the extent of five per cent. took into consideration the fact that other interests, especially the agricultural interests, have suffered more from the present depression and that they stand in need of more relief than the salaried people?

**The Honourable Sir George Schuster:** My Honourable friend can be satisfied that the Government took all the relevant facts into consideration.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member that, in order to give full information to the House, whether he proposes to place all the facts and figures which actuated his decision at the time of the Budget discussion?

**The Honourable Sir George Schuster:** I think if my Honourable friend has been present in former years and has heard my Budget speech or read it afterwards, he will readily concede that it has not been my practice to withhold relevant information from the House.

NEW SCALES OF PAY FOR GOVERNMENT SERVANTS.

245. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state in what respects the new scales of pay for Government servants will be different from the existing scales?

(b) When will they be brought into force?

(c) To whom will they be applicable?

(d) Do Government propose to safeguard the interests of the present incumbents?

**The Honourable Sir George Schuster:** I would refer the Honourable Member to the reply I gave on the 1st February to an identical question by Mr. M. Maswood Ahmad.

**Mr. Lalchand Navalrai:** I do not think the Honourable Member has replied as to the information required in clause (d) of the question, whether the Government propose to safeguard the interests of the present incumbents.

**The Honourable Sir George Schuster:** Will my Honourable friend specify in what respects my reply was inadequate?

**Mr. Lalchand Navalrai:** With regard to clause (d), I wanted information whether the Government proposed to safeguard the interests of the present incumbents, as distinguished from those who have yet to come.

**The Honourable Sir George Schuster:** I am quite aware that my Honourable friend requires that information and, in order to supply him with that information, I referred him to the reply which I gave on the 1st February.

**Mr. Lalchand Navalrai:** I understood that the reply that was given did not give a reply to part (d) of my question.

**The Honourable Sir George Schuster:** If my Honourable friend will tell me in what respects my reply was inadequate, I will do my best to supplement it with further information.

**Mr. Lalchand Navalrai:** The Honourable Member knows the reply more than I do and, therefore, I would like to know whether the reply to clause (d) is included in that: if so, I am satisfied.

**The Honourable Sir George Schuster:** The question asked by Mr. Maswood Ahmad was identical with my Honourable friend's question.

**Mr. Lalchand Navalrai:** I do not think the last clause was in it.

**The Honourable Sir George Schuster:** I am afraid I am not in a position to verify the matter, because I have not got a copy of the previous reply: but I am prepared to assert with a great degree of confidence that the question asked before was identical with this question, and, in that case, I have given what I consider to be an adequate reply.

**Mr. S. C. Mitra:** In cases of promotion of a first grade assistant to the Superintendent's grade, whether the present incumbent will get the salary of a Superintendent as now prevail or he will get the salary as Superintendent on the new scales?

**The Honourable Sir George Schuster:** I am afraid, I must ask for notice of that question.

**TRANSFER OF CERTAIN MEN OF THE COMMERCIAL STAFF EMPLOYED IN THE QUETTA DIVISION OF THE NORTH WESTERN RAILWAY.**

246. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if certain men of the Commercial staff employed in the Quetta Division of the North Western Railway were transferred to other Divisions in pursuance of the North Western Railway Agent's Circular No. 940-E./481, dated the 1st June, 1928?

(b) Is it a fact that the transfers were made for three years under a three-year scheme with a view to giving opportunities to the station and running staff of the Quetta Division to gain experience of the heavy traffic which prevails on the plains sections of the main line and *vice versa*?

(c) Will Government be pleased to state how many persons were so transferred from the Quetta to the Delhi Division, and when?

(d) Is it a fact that some persons so transferred to other Divisions were allowed to go back to the Quetta Division under exchange notes before the expiry of three years? If so, how many were allowed to go back and after how much time?

(e) Is it a fact that those transferred to the Delhi Division still continue to remain in that Division? If so, how many are they, for what period have they so remained, and to which province do they belong?

(f) Is it a fact that they have since long completed their three years' period and have often applied for return to the Quetta Division?

(g) Are Government aware that they are anxious to go back even at their own expenses?

(h) Is it a fact that the Delhi Divisional Office recommended their return to Quetta?

(i) Will Government be pleased to state if their application reached the Agent's Office; if so, what is the result? If not, why not?

(j) Do Government propose to take early measures to transfer them back to Quetta or, in the alternative, to the Karachi Division?

(k) What is the policy of Government in regard to the transfer of low paid railway servants from their home Divisions keeping in view the interest of economy and efficiency?

**Mr. P. R. Rau:** Government have no information. The matters referred to are all within the competence of the Agent to decide, and I have sent a copy of the Honourable Member's question to the Agent of

the North Western Railway in order that he may consider the complaints and the suggestions contained in it.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member whether this House is entitled to get information on questions which are within the competency of the Agent or not, or if we have to go to the Agent for information?

**Mr. P. R. Rau:** I understood that my Honourable friend's object was to get the grievances, that he complains of, remedied, and I thought the best way to take action in that matter was to send the question to the Agent in order that he might consider the complaints and suggestions contained in it.

**Mr. Lalchand Navalrai:** As the question is worded, there is so much information to be asked for, from clause (d) to clause (i): therefore the House should have been given an opportunity to know about these matters. This is a very hard case and the House should get information: merely sending on the question to the Agent is not enough.

**Mr. P. R. Rau:** If my Honourable friend is only anxious that information should be obtained and not that action should be taken on his question, I should be quite prepared to get information and place it on the table.

**Mr. Lalchand Navalrai:** I want to have both and, for that purpose, I request the Honourable Member to get me information on these questions and not merely that the Agent should throw these papers into the waste paper basket and do what he likes. Is the Honourable Member prepared to do that?

**Mr. P. R. Rau:** I am prepared to get the information, but I am not prepared to interfere with the detailed working of the North Western Railway.

**Mr. Lalchand Navalrai:** The Honourable Member has said several times in this House that the Board and the Government have got power of superintendence over what the Agent does and, if the Agent does not do anything rightly, it is for the Board and the Government and the Honourable Member to make the Agent do the right thing. Is the Honourable Member in this case only leaving it to the Agent to decide, or will the Honourable Member be prepared to see that justice is done and that the people who are rotting in Delhi for so long a time are given a chance of going back to Quetta?

**The Honourable Sir Joseph Bore:** My Honourable friend will I think realise that it is quite impossible for the Government of India to interfere in every detail of the day to day administration of the Railways. But if any really important matter or any grave scandal is brought to their notice, my Honourable friend may rest assured that the Government of India will direct necessary inquiries to be made.

**Mr. Lalchand Navalrai:** I say that injustice has been done in this case on the facts that we have got and especially when we have also asked what is the policy of the Government in regard to the transfer of low-paid railway

servants from their home divisions, keeping in view the interests of economy and efficiency, it is not an individual case: it becomes a general case which will govern the fate of a large number of these people who have been taken outside their divisions, and I, therefore, request the Honourable Member at least to give consideration in this matter: mere getting of information will not do.

**The Honourable Sir Joseph Bhore:** I am not prepared on that information to decide whether it is a case of general importance. I shall, however, look into the matter and, if I find that it is a matter of any very general interest or importance, I shall certainly do what I can.

**Dr. Ziauddin Ahmad:** The main question has not been answered: whether the Agents are the subordinates of the Railway Board or their masters?

**Mr. Lalchand Navalrai:** I would also like to have the information on the other points on which I want information.

#### PROHIBITION OF THE USE OF *KHADDAR* IN QUETTA.

247. **\*Mr. Lalchand Navalrai:** (a) Is it a fact that people in Quetta are not allowed to wear clothes made of *khadi* according to their wishes, and white caps known as "Gandhi caps"?

(b) Is it a fact that people in Quetta have been prohibited by Government authorities to use *khaddar*?

(c) Have Government ascertained how many shops in Quetta are selling Indian-made clothes and cloth made of pure *khadi*?

(d) Is it a fact that passengers arriving in Quetta wearing *khaddar* clothes are questioned by the police, detained and asked to report themselves at the *Thana*?

(e) If so, under what law, regulation or Ordinance?

**Mr. H. A. F. Metcalfe:** (a), (b) and (c). No.

(d) No,—unless there are other reasons for suspecting passengers clothed in this manner.

(e) Does not arise.

**Mr. Lalchand Navalrai:** May I inform the Honourable Member that generally all people, who are seen with a Gandhi cap, at the Quetta station are detained. Is the Honourable Member prepared to refute that?

**Mr. H. A. F. Metcalfe:** I have given the House what information I have received from the authorities in Quetta. I have no reason to believe that that information is incorrect.

**Mr. Lalchand Navalrai:** In my humble opinion the information given to the Honourable Member seems to be inadequate. Is the Honourable Member prepared to make further and fuller inquiries?

**Mr. H. A. F. Metcalfe:** The Honourable Member's question was sent to the Quetta authorities for inquiry, and I have given the House the reply that I have received. I cannot do more unless the Honourable Member places some specific cases before me.

**Sardar Sant Singh:** Is it not a fact, Sir, that every person wearing a Gandhi cap is regarded as a suspect and is detained?

**Mr. H. A. F. Metcalfe:** I have already replied to that in my answer to part (d) of the question. It is not a fact.

**Mr. Lalchand Navalrai:** What are the other reasons which lead the officers there on the spot to regard people who put on Gandhi caps as suspects?

**Mr. H. A. F. Metcalfe:** I cannot give the Honourable Member the exact reasons which lead the police to suspect people. The police have their own reasons.

**Mr. Lalchand Navalrai:** Is it arbitrary with them?

**Mr. H. A. F. Metcalfe:** Will the Honourable Member repeat the question?

**Mr. Lalchand Navalrai:** Is it all arbitrary with the police or there are certain definite reasons which enable them to come to that conclusion?

**Mr. H. A. F. Metcalfe:** I am unable to say that. I imagine they do receive instructions of some kind as to the people whom they are expected to deal with.

**Sardar Sant Singh:** May I know if the Honourable Member can say what is the number of people who have been suspected in this manner by the police and how many of them were wearing *Khaddar* or Gandhi cap?

**Mr. H. A. F. Metcalfe:** I should like to have notice of that question. I am afraid, I have no figures available.

#### PRISONERS CONVICTED FOR PARTICIPATION IN THE CIVIL DISOBEDIENCE MOVEMENT.

248. **\*Kumar Gupteshwar Prasad Singh** (on behalf of Lala Rameshwar Prasad Bagla): (a) Will Government please place on the table, for the information of the House, a statement, as it would be on the 1st January, 1933, showing the number of prisoners in the various provinces convicted on account of their participation in the civil disobedience movement?

(b) Are Government aware that the Government rules regarding the classification of political prisoners have not been strictly adhered to, and that both men and women of high social status and academic qualifications have been placed in 'C' class?

(c) Will Government please state if they have received any representation from public, inviting their attention to the arbitrary and high-handed manner in which the District Officers dealt with the political prisoners in the matter of their classification?

(d) If the reply to part (c) be in the affirmative, will Government please state what action, if any, they took on these representations?

(e) Will Government please state if they are aware whether or not the Provincial Governments also received representations complaining against rules regarding classification of prisoners, not being observed in practice? If so, what action each took on those representations?

(f) Have Government considered the question of the desirability of addressing immediately all the Provincial Governments urging upon them the necessity of instructing the District Officers in their respective provinces to give particular attention to the question of classification of political prisoners in future?

**The Honourable Sir Harry Haig:** (a) I would refer the Honourable Member to the statement laid on the table in reply to Mr. M. Maswood Ahmad's starred questions Nos. 96 and 97.

(b) to (f). The Western India National Liberal Association addressed the Government of India on this subject in April, 1932, and the action taken by Government on the statement made by the Association is indicated in the replies given by me on the 7th September, 1932, to supplementary questions on Mr. Lalchand Navalrai's starred question No. 108.

#### CONVENING OF A MEETING OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION (MEDICAL BRANCH) ON A GAZETTED HOLIDAY.

249. **\*Mr. S. C. Mitra:** (a) Is it a fact that Railway authorities are convening a meeting of the Indian Railway Conference Association (Medical branch) on a gazetted holiday?

(b) Is it not known to Government that on *Sree Panchami* day, Hindus are enjoined not to have anything to do with reading or writing?

(c) Are Government aware that this action of Government is liable to offend the religious susceptibilities of the Hindus and that, out of regard for this, the days have been declared as gazetted holidays?

(d) Is it not against the policy of the Government to make officers and clerks work on gazetted holidays?

(e) Do Government propose to see that gazetted holidays are observed in the true spirit of their purpose?

**Mr. P. R. Rau:** (a) Government have no information. The Indian Railway Conference Association is an autonomous body not under the control of Government in these matters.

(b) My Honourable friend is a better authority in these matters than I am, but I am not aware that such an injunction, if it exists, is generally observed; in fact it is not known in many parts of India.

(c) As I have already explained, this cannot be called an action of Government.

(d) This is generally so, but some times in case of urgent necessity both officers and clerks have to work on such holidays.

(e) The policy of Government in this matter is well known and no fresh orders are considered necessary.

**Mr. M. Maswood Ahmad:** Do Government propose to issue circulars that Hindus and Mussalmans should not be put on duty as far as practicable on their respective festival days, and as far as practicable duties should be so arranged that employees of a particular community will be off duty on their festival days if it will be practicable?

**Mr. P. R. Rau:** As I have already said, the policy of Government in this matter is well known, and I do not think, therefore, any fresh circulars are necessary.

**Mr. M. Maswood Ahmad:** Do Government propose at least to discuss this matter at the Agents' meeting, I mean whether members of a particular community should be off duty as far as practicable on their respective festival days?

**Mr. P. R. Rau:** It is not considered necessary.

**Dr. Ziauddin Ahmad:** May I just ask this? How will it work if half the members of a Committee sit on one day and the other half sit the other day?

(No reply.)

#### HEALTH OF MR. SUBHAS CHANDRA BOSE IN JAIL.

250. **\*Mr. S. C. Mitra:** (a) Will Government please explain what steps have been taken about Mr. Subhas Chandra Bose's health?

(b) Is he going to be released soon? If so, when?

(c) Are there any conditions attached to his release? If so, what are the conditions?

(d) Is he being taken out of India? If so, at whose expense? Is there any condition about his coming back to India or any period fixed for his stay outside India?

**The Honourable Sir Harry Haig:** The Medical Board at Bhowali and the Civil Surgeon, Lucknow, have recommended that Mr. Subhas Bose should go to Europe for treatment and the latter has suggested that France or Switzerland would be suitable for this purpose. In view of these opinions the Government of India have informed Mr. Bose that if he wishes to proceed to Europe for treatment, they are prepared to remove the obstacle presented by the fact that he is detained at present in India as a State Prisoner under Regulation III of 1818, by the cancellation of the warrant from the date he sails from Bombay, and that he will be granted a passport for France and Switzerland. On a further representation, Government have agreed to extend the passport to Italy and Austria. He would travel to and remain in Europe at his own expense. No period has been fixed for his stay outside India.



**Mr. K. Ahmed:** In view of the fact that Mr. Bose will be a free man when he leaves this country, I suppose that he will enjoy the same freedom after he returns to India?

**The Honourable Sir Harry Haig:** That, Sir, depends entirely on the circumstances at the time.

**Mr. K. Ahmed:** How can the Government, after giving him full liberty, detain him again? Under what circumstances can he be detained again?

**The Honourable Sir Harry Haig:** It is reasonable to suppose that if his activities are likely to be similar to those for which he is at present detained, this action will be justified.

**Mr. K. C. Neogy:** Are Government prepared to afford necessary facilities to Mr. Bose to meet his parents before he sails from India?

**The Honourable Sir Harry Haig:** We have already informed Mr. Bose that we shall give him every facility to meet his parents either in Lucknow where he is at present detained or in Bombay from where it is proposed he should sail.

**Mr. K. C. Neogy:** Are Government aware that Mr. Bose's father who, I am told, is an old man of 80 years, is not in a position to move out of the place where he resides?

**The Honourable Sir Harry Haig:** We did receive a representation, Sir, that it might be difficult for him to move, but I am afraid that would present us with great difficulty, because we cannot very well transfer Mr. Bose from one place to another in India in order to meet relatives. It raises a very difficult problem.

**Mr. K. Ahmed:** If the doctor can recommend that Mr. Bose can move from Lucknow to Bombay, can't he go and see his old father, mother and other relative on his way to Bombay *via* Calcutta?

**The Honourable Sir Harry Haig:** I was not aware that the normal route from Lucknow to Bombay was *via* Calcutta. (Laughter.)

**Mr. S. C. Mitra:** In view of the fact that Mr. Bose's father is suffering from heart disease and is an old man of about 80 years of age and has been advised by his medical advisers not to move from Puri, will it be possible for Government to allow Mr. Bose to meet his father before Mr. Bose leaves the shores of India if necessary under police arrangement or under any other necessary precaution?

**The Honourable Sir Harry Haig:** It is quite certain that we could not relax the police precautions on Mr. Bose so long as he remains in India. That is quite certain.

**Mr. K. C. Neogy:** Supposing the necessary precautions are taken, are the Government prepared to reconsider the matter and allow Mr. Bose to meet his father where he is at present residing?

**The Honourable Sir Harry Haig:** Well, Sir, I am not satisfied with the Honourable Member's information that Mr. Bose's father is quite incapable of leaving Puri; I am not yet satisfied about that point.

**Mr. K. C. Neogy:** Will the Honourable Member order a medical examination of Mr. Bose's father for the purpose of finding that out?

**The Honourable Sir Harry Haig:** That may not be necessary, but it may be necessary to make certain inquiries.

**Mr. S. C. Mitra:** If we can convince the Honourable the Home Member that the present state of health of Mr. Bose's father will not permit him to move from Puri, will Government be pleased to afford facilities to Mr. Bose to interview his father under necessary precautions?

**The Honourable Sir Harry Haig:** I would suggest to the Honourable Member that if Mr. Bose's father is really in this condition, the situation would be just the same if Mr. Bose continued to be detained at Lucknow. The mere fact that it is proposed that he should go to Europe really does not affect the case.

**Mr. S. C. Mitra:** In case of any very serious attack, will Government be pleased to permit him to interview his father, because Lucknow to Puri takes only two days' journey, but from Europe it will not be possible again to come back and meet his father. So far as I know, Mr. Bose's father is in a bad state of health.

**The Honourable Sir Harry Haig:** I cannot give any assurance on the subject, but I will look into the matter on the information which my Honourable friend has given.

**Mr. K. C. Neogy:** Will the Honourable Member look into the matter sympathetically?

**The Honourable Sir Harry Haig:** I will look into the matter with due regard to administrative convenience as well as to domestic considerations.

**Mr. K. Ahmed:** In view of the fact that there will not be any political or administrative difficulty, and in view of the fact that the  
12 Noon. leading politicians are detained in jails and there is no trouble on the road beginning from Lucknow *via* Calcutta to Bombay, will Government propose to consider sympathetically and give opportunity to the old parents to see their young son?

**The Honourable Sir Harry Haig:** I think I have already dealt with the points raised by my Honourable friend.

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#### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Harry Haig (Home Member):** Sir, I lay on the table the information promised in reply to Sardar Sant Singh's starred questions Nos. 453 and 454, on the 19th September, 1932, and No. 938 on the 7th November, 1932.

## RETRENCHMENT IN THE ALL-INDIA SERVICES.

\*453. (a) The principle adopted in the selection of officers for retrenchment is the interest of the public service and not the age of officers. The length of service of the officers retrenched varies considerably in consequence of the application of this principle.

(b) (1) *Nil.*

(2) *Nil.*

(3) Three Europeans, one Indian and one Burman.

(4) *Nil.*

(c) In selecting officers to be discharged as a measure of retrenchment the records of all officers are taken into account and some have been selected for retrenchment on the ground that their efficiency was below a reasonable standard. In such cases there is no advantage in trying them in other provinces.

(d) (1) Indian Civil Service—*Nil.*

(2) Indian Medical Service—*Nil.*

(3) Indian Forest Service—eight Indians and two Europeans.

(4) Indian Police Service—four Indians and two Europeans.

## RETRENCHMENT IN THE ALL-INDIA SERVICES.

\*454. (a) and (b). Under Rule 55 of the Civil Services (Classification, Control and Appeal) Rules, no order of dismissal or removal can be passed on a member of a Service unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The number of times an officer may be warned before action is taken against him depends on the circumstances of each case. Temporary officers or officers on probation may, however, be discharged without warning, if they are found to be inefficient.

(c) The length of time necessarily depends on the circumstances of each case.

(d) I have not the information required by the Honourable Member and regret I am unable to undertake to collect it.

(e) The number of officers retrenched in the various All-India Services is as follows :

Indian Forest Service—

Three Europeans.

One Indian.

One Burman.

Indian Forest Engineering Service—

Five Europeans.

Indian Veterinary Service—

One European.

Indian Agricultural Service—

One European.

One Indian.

Indian Service of Engineers—

Eight Indians (including two statutory Natives of India).

Five Europeans.

## RETRENCHMENT OF INDIANS IN THE IMPERIAL SERVICES.

\*938. (b) and (d). The suggestion in the question that young Indians are selected for retrenchment in preference to others is not correct. In selecting officers for retrenchment, the criterion is not the age or the nationality of the officers, but the interests and the efficiency of the public service. Regarding the number of Indian officers retrenched in the All-India Services, I would refer the Honourable Member to the reply to part (e) of his question No. 454.

(c) None.

(e) In the All-India Services, to which recruitment is made annually, there is at any one time generally a number of officers who are nearing retirement.

(f) and (g). Of the three All-India Services, in which officers have been retrenched, recruitment to two Services, viz., the I. A. S. and the I. S. E. (Buildings and Roads Branch), ceased some years ago, while recruitment to the I. F. S. has been suspended, pending a decision on the recommendation of the Round Table Conference for the provincialisation of that service. The question of incurring fresh expenditure on the training of Indian recruits to these three Services does not therefore arise.

**The Honourable Sir George Schuster** (Finance Member): Sir, I lay on the table the information promised in reply to starred question No. 1619 asked by Mr B. N. Misra on the 12th December, 1932.

## MANUFACTURE OF SALT AT HUMMA, SORDO AND NAUPADA IN THE GANJAM DISTRICT.

\*1619. The quantities of salt manufactured were as below :

| Year.          | Quantity of salt manufactured in Humma (now known as Ganjam factory). | Sumadi factory. | Naupada head-quarter factories, viz., Naupada, Moolapeta and Bhavanapadu. |
|----------------|---|-----------------|---|
|                | Mds.  | Mds.            | Mds.  |
| 1923 . . . . . | 102,502   | Nil             | 1,136,087   |
| 1924 . . . . . | 109,342   | 158,704         | 1,100,638   |
| 1925 . . . . . | 169,376   | 205,024         | 963,581   |
| 1926 . . . . . | 394,280   | 52,906          | 1,746,012   |
| 1927 . . . . . | 512,524   | 429,008         | 1,732,998   |
| 1928 . . . . . | 109,998   | 53,928          | 1,090,660   |
| 1929 . . . . . | 396,776   | 477,240         | 1,621,436   |
| 1930 . . . . . | 158,126   | 262,612         | 1,128,580   |
| 1931 . . . . . | 539,308   | 126,408         | 1,875,150   |
| 1932 . . . . . | 178,452   | 301,452         | 1,255,016   |

There is no factory of the name of Sordo. The reference is obviously to Sumadi.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I lay on the table the information promised in reply to supplementary questions to starred question No. 1452, asked by Mr. M. Maswood Ahmad on the 28th November, 1932.

COMMUNAL COMPOSITION OF THE TOWN INSPECTORS IN THE CALCUTTA GENERAL POST OFFICE.

\*1452. There are nine Town Inspectors, all of whom are Hindus.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I lay on the table the information promised in reply to starred question No. 1187, asked by Sardar Sant Singh on the 15th November, 1932.

DISCHARGE OF SIX PROVINCIAL FOREST SERVICE OFFICERS BY THE PUNJAB GOVERNMENT ON COMPENSATION PENSION.

\*1187. (a), (b), (c) and (d). After a thorough investigation the Government of the Punjab decided last year to reduce the cadre of the Punjab Forest Service, because there was an excess of officers over requirements and financial considerations made it necessary that there should be economy in every Department. In pursuance of this decision seven officers were retired, two on retiring pensions under Article 465A, Civil Service Regulations, and five on compensation pensions under Article 426, Civil Service Regulations. Through an oversight the approval of the Governor General in Council required under the second proviso to sub-rule (1) of the Classification Rule 40 was not obtained before the reduction in the number of posts was carried out, but when the circumstances were reported to the Government of India, the latter were satisfied that the action of the Government of the Punjab was justified, and that if application had been made for the necessary previous sanction it would have been forthcoming. The Local Government were accordingly informed that the reduction made by them might be deemed to have been made with the previous sanction of the Governor General in Council. In the circumstances it is clear that the officers concerned were in no way prejudiced by the failure to obtain the previous sanction which admittedly should have been obtained. The Government of India have however impressed on Local Governments the necessity of careful observance of all requirements imposed by the Classification Rules.

**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I lay on the table the information promised in reply to starred question No. 1548, asked by Mr. Jaggan Nath Aggarwal on the 5th December, 1932.

TENDERS FOR STALLAGE OF MEAT MARKET, BAKERY AND DAIRY SHOPS BY THE JULLUNDUR CANTONMENT BOARD.

\*1548. (a), (c), (e) and (h). After tenders for the lease of beef and mutton markets had been received, the Cantonment Authority let out the right to all the stalls in these markets for the year 1932-33 to the previous occupants on their paying in advance a

rent which the authority considered suitable. Under the Cantonment bye-laws licences for the sale of beef and mutton are granted only to stall holders. This has been the practice for the last 25 years. No licence fee is charged.

(b) Yes.

(d) (i).

|   | Rs.   |
|---|-------|
| Beef Market No. 1 with cattle enclosures and offal shed and skin shed . . . . . | 6,491 |
| Beef Market No. 2 . . . . .   | 1,173 |
| Mutton Market with goat enclosure and offal shed . . . . .                      | 2,697 |
| Dairy stall with cattle enclosure . . . . .                                     | 1,000 |
| Bakery . . . . .  | 946   |

(d) (ii).

| Markets.   | 1927-28. | 1928-29. | 1929-30. | 1930-31. | 1931-31. |
|--|----------|----------|----------|----------|----------|
|  | Rs.      | Rs.      | Rs.      | Rs.      | Rs.      |
| Beef Market No. 1 with cattle enclosure and offal shed, etc. . | 1,112    | 1,088    | 1,049    | 969      | 685      |
| Beef Market No. 2 . . . . .                                    | ..       | ..       | ..       | ..       | 196      |
| Mutton Market with goat enclosure and offal shed .             | 326      | 204      | 215      | 348      | 354      |
| Dairy Stall with cattle enclosure                              | 96       | 111      | 96       | 90       | 102      |
| Bakery . . . . .   | 168      | 168      | 171      | 168      | 168      |

(d) (iii).

|                             | Rs.   |
|-----------------------------|-------|
| Beef Market No. 1 . . . . . | 1,566 |
| Beef Market No. 2 . . . . . | 330   |
| Mutton Market . . . . .     | 624   |
| Dairy Stall . . . . .       | 158   |
| Bakery . . . . .            | 256   |

(f) Government are informed that prices are generally lower than they were formerly. Some complaints about the quality of the articles were received, but proved to be unfounded.

(g) Government have no information regarding the terms on which the stall holders have sub-let vacant stalls.

(i) The Cantonment Board in 1926 proposed to lease the mutton market to a single contractor, but, on considering a representation from the stall holders, cancelled the contract without reference to the Command.

(j) No complaints have been received by the Authority about the Dairy, the location of which has not been changed for the last 15 years.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 689 asked by Mr. N. M. Joshi on the 23rd September, 1932;
- (ii) the information promised in reply to starred question No. 688 asked by Mr. N. M. Joshi on the 23rd September, 1932;
- (iii) the information promised in reply to starred question No. 681 asked by Mr. A. H. Ghuznavi on the 22nd September, 1932;
- (iv) the information promised in reply to starred question No. 249 asked by Khan Bahadur Haji Wajihuddin on the 12th February, 1932; and
- (v) the information promised in reply to starred question No. 1465 asked by Mr. K. Ahmed on the 28th November, 1932.

#### PROMOTION TO HIGHER GRADE POSTS IN THE CHIEF TRAFFIC MANAGER'S OFFICE, GREAT INDIAN PENINSULA RAILWAY.

\*689. (a) and (b). Promotion is governed by seniority combined with efficiency and suitability of the persons concerned.

(c) Seniority is governed by the date of appointment to the grade of the respective incumbents of the posts.

(d) There is only one procedure in calculating seniority.

(e) No.

(f), (g) and (j). Do not arise.

(h) 47 clerks in the Rs. 60—5—80 grade have reached their maximum pay. Out of them 29 clerks have been drawing the maximum pay for over five years.

(i) Attention is invited to the reply given to parts (a) and (b) above.

#### QUALIFICATIONS FOR APPOINTMENT AS DISTRICT COMMERCIAL INSPECTORS ON THE GREAT INDIAN PENINSULA RAILWAY.

\*688. (a) No selection for the post is made from among the staff experienced in outdoor duties; but there is nothing which limits the selection to such staff.

(b) Yes.

(c) An Anglo-Indian previously working in the Staff Section of the Chief Traffic Manager's office of the Great Indian Peninsula Railway has been recently appointed as District Commercial Inspector. He superseded two Assistant Commercial Inspectors, of whom one had had his promotion stopped on account of his failing for the second time in the Senior Refresher Course at the Dehra Dun Railway Staff College, and the other was considered definitely unsuitable for promotion to District Commercial Inspector. The latter has since been transferred to another branch.

(d) He had had no outdoor experience, and although this is usually necessary, it is not essential. It was considered in this case that he would be able to discharge his duties satisfactorily.

#### FREIGHT EARNED BY STATE RAILWAYS ON COAL.

\*631. As no figures have been maintained showing the total tonnage of coal carried for the public and the earnings therefrom by zones, a statement showing total tonnage of coal, coke and patent fuel carried for the public and the earnings therefrom on the Bengal Nagpur and East Indian Railways, month by month, for the period from February to June, 1932, as compared with the corresponding months of the previous year, is attached.

Statement showing total tonnage of coal, coke and patent fuel carried for the Public and earnings therefrom, on Bengal Nagpur and East Indian Railways month by month for the period from February 1932 to June 1932 as compared with the corresponding months of the previous year.

Total tonnage of coal, coke and patent fuel, carried for the public and earnings therefrom.

| Railways.      | February.       |           |           | March.          |           |           | April.          |           |           | May.               |          |           | June.           |          |           |
|----------------|-----------------|-----------|-----------|-----------------|-----------|-----------|-----------------|-----------|-----------|--------------------|----------|-----------|-----------------|----------|-----------|
|                | 1931.           | 1932.     | 1931.     | 1932.           | 1931.     | 1932.     | 1931.           | 1932.     | 1931.     | 1932.              | 1931.    | 1932.     | 1931.           | 1932.    | 1931.     |
|                | Tons            | Tons.     | Rs.       | Tons.           | Tons.     | Rs.       | Tons.           | Tons.     | Rs.       | Tons.              | Tons.    | Rs.       | Tons.           | Tons.    | Rs.       |
| Bengal Nagpur. | 399,516,379,264 | 7,67,241  | 7,50,411  | 4,6,734,381,366 | 9,27,623  | 7,04,632  | 419,099,419,426 | 8,43,085  | 8,14,277  | 434,953,409,760    | 9,81,538 | 8,77,937  | 388,166,91,919  | 7,32,799 | 8,30,283  |
| East Indian.   | 765,036,685,213 | 29,15,019 | 23,72,957 | 754,903,659,190 | 32,81,389 | 27,24,994 | 774,308,711,976 | 31,09,431 | 29,83,167 | 712,108,660,611,29 | 38,577   | 28,83,429 | 316,846,612,740 | 24,2,963 | 25,47,804 |



### HOUSE RENT AND MILEAGE ALLOWANCES OF TICKET CHECKING STAFF OF THE EAST INDIAN AND OUDH AND ROHILKHAND RAILWAYS.

\*249. (a) The reply is in the affirmative.

(b) The mileage allowance has been withdrawn as they are not running staff.

### APPEALS AGAINST THE ORDERS OF THE DIVISIONAL SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.

\*1465. (a) and (b). The Agent, East Indian Railway reports that he is not aware of any cases in which appeals have not been dealt with strictly in accordance with the existing orders or where an interview has been refused when the circumstances of the case justified the granting of it. All appeals, as a rule, receive the most careful consideration and whenever further information is necessary it is obtained from Divisional Superintendents before the appeal is finally disposed of.

### THE INDIAN MARINE (AMENDMENT) BILL.

**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I move:

"That the Bill further to amend the Indian Marine Act, 1887, for a certain purpose, be taken into consideration."

This, Sir, is a small Bill and one that I hope will be accepted by the House without difficulty. I see that there are amendments on the paper asking that the Bill should be published and also that it should be referred to a Select Committee. I wish to make it clear at the outset that, if it is really the wish of the majority of this House that either of these courses should be adopted, we shall not object. We have no desire whatever to rush this Bill through the House. At the same time I very much hope that, after I have explained the objects and nature of the Bill, the House will agree that neither of these courses is necessary.

The Bill itself is a small, but necessary, part of an interesting proposal made by the Flag Officer Commanding the Royal Indian Marine to bring into existence a small reserve of officers for that force on very much the same lines as the Army in India Reserve of Officers on the army side. If the idea of such a Reserve commends itself to the House, then I think that the actual provisions of the Bill can give no difficulty of any kind. Section 2 of the present Indian Marine Act defines persons who are subject to the Act and includes among them "gazetted officers." and a further clause in section 2 of the existing Act goes on to describe what gazetted officers are. By this Bill we merely wish to place officers of the Reserve in the same position as the gazetted officers of the Royal Indian Marine, that is to say, to ensure that they shall be subject to exactly the same code of discipline when they are under training or when they are called up for service. I think it will be agreed that that is a perfectly reasonable and necessary provision, if we are going to have a Reserve at all. The issue, therefore, is, as I understand it, whether we should have a Reserve or not. That, Sir, is the only issue that we could refer to the public if the Bill were circulated; and that again is the only issue that we could refer to a Select Committee, if this Bill were

referred to a Select Committee. My submission is that, if it is desired to test public opinion in this matter, the best way of doing so is to constitute the Reserve and to throw it open and see whether gentlemen will come forward to join it. There is no compulsion of any kind in the matter. It is an entirely voluntary matter and this Bill will not compel anybody to do anything.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): What will be the conditions of admission?

**Mr. G. R. F. Tottenham:** They will be published before anybody is asked to join the Reserve. Then also, the question whether there should be a Reserve or not is one on which I think a Select Committee would be in no better position to give an opinion . . .

**Mr. Deputy President** (Mr. R. K. Shammukham Chetty): Mr. Maswood Ahmad has withdrawn his motions for circulation and reference to a Select Committee. There are no amendments, therefore, now for circulation or for reference to a Select Committee.

**Mr. G. R. F. Tottenham:** Then, Sir, I need not dwell further on that point. Let me go on now to give the House a brief description of the nature and objects of this Reserve and leave it to them to decide whether it is a good idea or a bad one.

As the House is aware, the Royal Indian Marine is a small force, which is now a naval force in all but name. It is organised on a combatant basis; its ships carry guns and are entitled to fly the White Ensign; and its officers and men are trained in naval duties. During the last five years, under the distinguished command of Admiral Sir Humphrey Walwyn, remarkable progress has been made in improving the efficiency of this force. The efforts made have attracted the attention of the officers in command of the East Indies Squadron of the Royal Navy and have elicited their praise, and from time to time we have issued communiqués to the Press explaining what has been done and what is being done. The fact remains, however, that the Royal Indian Marine is an extremely small service, and if India, as we hope, is going to assume responsibility eventually for her own defence, she must not forget that that defence cannot rest on land and air forces alone. The importance and the cost of naval defence are, I am afraid, sometimes apt to be overlooked, but to me it is obvious that both the strength of India's naval forces and the expenditure on them must increase, if the object in view is to be attained. We are, therefore, anxious to do all that we can to stimulate public interest in naval matters, and also to assign to the Royal Indian Marine definite duties of importance in the scheme for the defence of India's ports and harbours.

This Reserve is a small and a very cheap step in these directions. On the one hand, we have reason to believe, or at least we hope, that there may be a certain number of gentlemen in places like Bombay, Madras or Karachi, both Indian and European, who are keen on nautical matters, who go in for sailing, yachting and so on, and who would welcome the opportunity to receive a small amount of naval training. The idea is that the size of the Reserve should be limited to 50 or 60 officers in the first instance, perhaps even less to begin with. It will be open, as

[Mr. G. R. F. Tottenham.]

I said, equally to Europeans and Indians. Membership of it will entail the liability to undergo a short period of annual training and, of course, members of the Reserve will also have to undertake to place their services at the disposal of the State in the event of a major emergency. This annual training will be performed, we hope, partly at sea in one of His Majesty's Indian ships, that is to say, in one or other of the sloops of the Royal Indian Marine, and partly on shore by means of drills and lectures, and so on. The existence of the Reserve will thus, we hope, stimulate interest in naval matters and help to popularise the Royal Indian Marine as a whole.

Then, Sir, on the other hand, we hope that the Royal Indian Marine will be entrusted in war time with an important share in the actual defence of India's coasts and India's harbours. There are many local duties connected with the defence of harbours, coastal shipping, and so on, which can be performed in war time in small craft which can be hired for the purpose; but the difficulty at present is to provide the trained personnel to man them. The small regular cadre of the Royal Indian Marine is not sufficient to supply officers for this purpose. It is duties of this kind—local duties, purely confined to the defence of India's coasts and harbours—which officers of the Reserve may be called upon to perform in a major emergency such as the war. In this way we hope that the Reserve will be of practical importance, as well as of theoretical importance.

The expenditure involved is small. We calculate that for a Reserve of 60, assuming that the full numbers are obtained, about Rs. 25,000 would be required initially to provide outfits and uniforms. Of course if the numbers did not reach 60, the full amount would not be required; and the full amount would not in any case be of a recurring nature. Then, Sir, there would be the amount required for the pay and allowances of the officers during their annual training; and we calculate that for a full Reserve of about 60 officers this might come to another Rs. 20,000. In any case, however, the passage of this Bill would not immediately commit Government to bringing the Reserve into existence. We must necessarily wait until the funds can definitely be provided. All that I am asking the House to do today is to pass this legislation, so that, if and when the funds become available, we may be in a position to start the Reserve without delay. The whole proposal is a simple and straightforward one. There is nothing complicated or abstruse about it and there is nothing in my opinion that requires lengthy or prolonged consideration. I very much hope, therefore, that the scheme will commend itself to Honourable Members and that the House will agree to the passage of this small Bill. Sir, I move.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

“That the Bill further to amend the Indian Marine Act, 1887, for a certain purpose, be taken into consideration.”

**Mr. B. V. Jadhav:** I support the motion just made. Indians ought to be prepared to take up the defence of their country and, as is well known, Indian coast is very vulnerable, and, therefore, marine defence is absolutely necessary. It was the neglect of this defence that gave an opportunity to foreign nations to come and attack India and the

same mistake need not be committed again. When India gets dominion status, she must be fully prepared to take up the responsibility of her coastal defence and, therefore, I welcome this first move as an earnest in initiating Indians in the art of naval warfare. The Honourable the Mover has told us that it is a very humble measure and I fully realise that the officers of the Reserve will not get much practical experience of naval warfare. All the same, I welcome this attempt and I heartily support the measure.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is:

"That the Bill further to amend the Indian Marine Act, 1887, for a certain purpose, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. G. R. F. Tottenham**: Sir, I move that the Bill be passed.

The motion was adopted.

## THE INDIAN FOREST (AMENDMENT) BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill further to amend the Indian Forest Act, 1927, for a certain purpose, be taken into consideration."

Honourable Members will have observed that it is a very short Bill. In fact, substantively it is only a one clause Bill and the object is stated in the Statement of Objects and Reasons. Under section 38 of the Indian Forest Act, it is permissible for an owner to take steps to call upon Government aid for the extension to his forest land of the protective provisions of the Act. It has been held by one legal authority that the definition of "owner" in the Act does not cover the Court of Wards and the result, therefore, is that the Court of Wards cannot take advantage of this provision as it is not considered an "owner" of the land or forest of which it is in charge as a trustee. We are, therefore, taking steps to remedy that defect now by the Bill which is before the House and we are also taking advantage of this opportunity to extend the other protective sections of the Act to include the Court of Wards as owner.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Forest Act, 1927, for a certain purpose, be taken into consideration."

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadian Rural): Sir, it does not seem to me that this Bill is so simple and innocent as it looks. I, for one, feel confronted with certain difficulties.

[Mr. K. P. Thampan.]

Sir, the Court of Wards is a Department of the Government. (*An Honourable Member*: "Louder, please; we cannot hear you.") The Court of Wards is a Department of the Government and, at any rate in the parts from which I come, the Government, having only comparatively small tracts of forests, are always casting covetous eyes on the private forests adjoining theirs. They take long leases of the private forests from their owners, and my Honourable friend, the Raja of Kollengode, will bear me out when I say that certain portions of his forests are leased for 99 years or so to the Madras Government. They have taken a similar lease also from the Raja of Nilambur. Whenever the interests of the owners of the private forests are in conflict with those of the Government, there is a tendency on the part of the latter to acquire or come into possession of those forests. It often happens that the estates which own these forests come under the management of the Court of Wards. Recently, the Zamorin's estate—one of the biggest estates in my district—was under the management of the Court of Wards. Now, under this law, it was easy for the Court of Wards to give over the forests of the Zamorin to the Forest Department for better management or otherwise on terms that may be even detrimental to the estate of the Zamorin. That is certainly an easy way of getting of private property. Now, so long as the Court of Wards manages an estate, they are vested with the rights of absolute management including the right of alienation and the loans raised by them are binding upon the estate. There is also a condition in the Court of Wards Act that so long as the loans continue, the estate need not be handed over to the owner. That is why the estates of the Raja of Sivaganga are still in the hands of the Court of Wards. What I mean to say is, the Court of Wards have such unlimited powers that the agreement made by them cannot be questioned by the owner of an estate even after it is handed over to him. I apprehend, therefore, that there will be real trouble and danger if the Court of Wards are given this right, so far as the Madras Presidency and, particularly, Malabar is concerned. I, therefore, think, Sir, the principles underlying the Bill ought to be well thrashed out by this House before it approves of them. It is not an emergency measure and ought not to be rushed through like this.

**Kunwar Raghubir Singh** (Agra Division: Non-Muhammadan Rural): Sir, this Bill seeks to give power to the Court of Wards to act as owners in respect of the forests of estates which they are looking after. Now, as the Bill shows, their position is one of trustees, and the powers of trustees are wide enough as we see in the case of British Indians as a whole. The British Government say that they are the trustees of India, and, Sir, they are exercising all the powers which an owner does. Now, in the United Provinces, from which province, I am glad to think, the Honourable the Mover also comes, they have been trying to associate non-officials with the administration of the Court of Wards. But nothing tangible has been done. So, unless the constitution of the Courts of Wards is changed so that it may become more popular, it would not be in the interests of the public to give them more powers. Therefore, Sir, I would impress upon the Government the necessity of considering the proposal of associating the Court of Wards administration with non-official opinion before suggesting any more powers for the Court of Wards, as is proposed to be done in this case. Sir, I oppose the Bill.

**Mr. G. S. Bajpai:** Sir, I think there must be some misunderstanding in the minds of Honourable Members as to what is exactly intended by this Bill. It is not a new principle that we are introducing. Section 38 says :

"The owner of any land, or if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds, may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector their desire :

(a) that such land may be managed on their behalf by the Forest officer as a reserved or protected forest on such terms as may be mutually agreed upon, or

(b) that all or any of the provisions of this Act be applied to such land."

It is, in other words, dependent upon the volition of the owners as to whether the provisions of the section are invoked or not invoked. It is not intended to empower Government to act on their own initiative. The initiative rests with the owner.

**Mr. K. P. Thampan:** The owner is represented by the Court of Wards and the Court of Wards is a body of a Department of the Government and they may collude and arrange terms to the detriment of the owner of the estate.

**Mr. G. S. Bajpai:** My Honourable friend seems to suggest that the state of affairs in Madras is very very unfortunate.

**Mr. K. P. Thampan:** That is the state of affairs throughout the country and not only in the Madras Presidency.

**Mr. G. S. Bajpai:** So far as I am aware, the initiative in this matter, which comes from Bengal, has been taken with the goodwill of the owners. They came up to the Government and said: "here is land which we would like to be taken over for purposes of management by a forest officer and we cannot do it because the Advocate-General, Bengal, holds that the Court of Wards is not empowered . . ."

**Mr. K. P. Thampan:** Then have a measure like this for Bengal.

**Mr. G. S. Bajpai:** I do not see any reason why the provisions of the section should be limited to Bengal. We have consulted all Local Governments and they have expressed their willingness.

**Mr. K. P. Thampan:** Because it is in their own interest.

**Mr. G. S. Bajpai:** My Honourable friend seems to think that because the interests of the Government happen to synchronise with the interests of a private owner, therefore the interests of the owner cease to be his interests. I confess, that is not logic which convinces me. My friend from the United Provinces has said that the Court of Wards management should be brought more and more under the control and influence of non-officials. I submit that that hardly arises out of the Bill which I have put before the House. However, I am quite prepared to convey that suggestion for the consideration of the Government of the United Provinces, to which, I am glad to acknowledge, I am as happy to belong as my Honourable friend, Mr. Raghubir Singh.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is:

"That the Bill further to amend the Indian Forest Act, 1927, for a certain purpose, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. G. S. Bajpai:** Sir, I beg to move that the Bill be passed.

**Mr. K. P. Thampan:** Sir, I oppose, this motion. I have already stated my reasons and they need not be repeated again. This is certainly a highhanded way of doing things and I feel that Government have not given that consideration which they ought to have given to this subject. Presumably all the Local Governments and those people that would be affected by this Bill have not been consulted and I protest with all the strength that I can command that the Bill should now be allowed to be passed into law in this way. I protest also against the manner in which the Government have rushed through this measure.

**Mr. G. S. Bajpai:** I am extremely sorry, Sir, that my Honourable friend thinks that Government are using highhanded methods in order to put this Bill through the House. It was announced, I think last week, by the Honourable the Leader of the House that the Bill would come up for consideration now. Government have already taken the precaution of consulting the Local Governments concerned. There has been no suggestion at any stage made to Government either by the Honourable Member or anybody else that there is anything contentious in this matter. In the circumstances, I fail to see how the charge of high-handedness can be brought against Government. I have already ventured to explain, when I was dealing with my Honourable friend's objections, what the provisions of the Bill are and I do not think that the mischief which he is anticipating would really ensue from its provisions.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is that the Bill be passed.

The motion was adopted.

## THE INDIAN RAILWAYS (AMENDMENT) BILL.

### (AMENDMENT OF SECTIONS 108 AND 131.)

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, I move:

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (*amendment of sections 108 and 131*), be taken into consideration."

This is a small amendment of the Railways Act to provide for a higher penalty for pulling the communication cord when this action is taken in order to obstruct traffic. Under the existing law, section 108 runs as follows:

"If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a railway administration for communication between passengers and the railway servants in charge of a train, he shall be punished with fine which may extend to Rs. 50."

**We propose to add to that a sub-clause (2) which runs thus:**

"If a passenger so makes use of or so interferes with such means of communication with the intention of obstructing traffic, he shall be punished with imprisonment, for a term which may extend to six months, or with fine, or with both."

The stoppage of trains through pulling the communication cord has been a growing evil and it has been quite clear in a large number of cases that this has been done deliberately with the intention of obstructing the administration. On a single railway in a single month one individual stopped trains no less than 11 times. He was punished on nine occasions and, out of these nine occasions, on four occasions he was punished with the maximum penalty, but, unfortunately, Sir, the infliction even of the maximum penalty had no effect in stopping further recurrences of this offence.

**Mr. Gaya Prasad Singh:** (Muzaffarpur *cum* Champaran: Non-Muhamadan): That adds to the income of the railway.

**The Honourable Sir Joseph Blore:** Unfortunately, the fines, I understand, go to general revenues.

**Mr. Gaya Prasad Singh:** Even then the Government benefit.

**The Honourable Sir Joseph Blore:** Well, Sir, the House will realise that such stoppages cause considerable inconvenience to the public and also they lead to the dislocation of traffic and this amendment has really been put forward largely in the public interest. The other clause provides . . . .

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): May I know, Sir, when did the last case of this nature happen?

**The Honourable Sir Joseph Blore:** I really have not the dates. The information I gave relates to a particular railway on a particular occasion.

As regards section 131 (1), the only proposal is to insert this new section 108, sub-section (2) among the other sections for which it is provided that there may be an arrest, without warrant or without written authority, by any railway servant or police officer. That, Sir, is, I submit, obviously a corollary to the introduction of a severer sentence. If a severer sentence is impossible, obviously it would be of little use if it were not possible to bring the offender to justice. Experience unfortunately has shown that in many cases it is usual to give wrong names and addresses. The result is that the offender escapes conviction. I venture to hope, Sir, that the mere provision of this higher penalty may result in discouraging people from indulging in this particular type of offence and I hope the House will agree with me that it is a measure in the public interest.

I move it.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Railways Act, 1890, for a certain purpose (*amendment of sections 108 and 131*), be taken into consideration."



**Mr. C. S. Ranga Iyer** (Bohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I rise to oppose the motion. The Honourable Member in charge of the Bill was pleased to say that because there was a repetition of the same offence by a particular gentleman for some time, therefore that is an adequate reason for bringing an all-round legislation of this kind.

The proposed sub-section runs:

"If a passenger so makes use of or so interferes with such means of communication with the intention of obstructing traffic, he shall be punished with imprisonment for a term which may extend to six months."

I admit . . . . .

**The Honourable Sir Joseph Bhore:** Will my Honourable friend read to the end?

**Mr. C. S. Ranga Iyer:**

"or with fine, or with both".

I am quite willing to admit that there is a provision for fine, but there is also a provision for imprisonment which may extend to six months. I admit that the intention of obstructing traffic is to be proved; but supposing my friend, the Raja Sahab of Kollengode, is travelling from Delhi to Madras and, supposing, in the neighbourhood of Nagpur, one of his young children rather carelessly played with the chain and pulled it and the train is stopped, his children might be arrested.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): He himself might be arrested, because nowadays fathers are punished for the sins of their children.

**Mr. C. S. Ranga Iyer:** As my friend says, he himself might be arrested, because the sins of the children are now being visited on the father. That, Sir, reduces the sublime to the ridiculous. Without pursuing that line of argument, I would say the arresting section must go.

Supposing a child or a grown-up person pulls the chain, either out of necessity or out of accident, I admit in the court of law it has to be proved that the intention was to obstruct traffic. But has he not to provide for witnesses to prove that his intention was not to obstruct traffic? At any rate there is a suspicion. I personally am not taking an obstructive attitude in this matter. But there is a certain amount of apprehension in the public mind as to whether this increased punishment will not mean adding to the difficulties of the travelling public. It is for the Honourable gentleman, when he answers the points raised from this side, to make this issue very clear, for we do not want to increase the troubles of the travelling public.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to oppose the motion which is now before the House. The Honourable the Mover proposes to move an amendment of section 108 and it will be a permanent addition to that Act. The evil, if there is any, is a temporary one due to the political unrest in India and I should have expected the Honourable the Home Member to bring in an amendment of the Ordinance Bill. It would have been more properly inserted

in that legislation. In this legislation it is out of place, because this provision will be incorporated permanently in the Act. Under the Ordinance Act, it would have continued only for three years after which it would automatically cease to have any effect. I, therefore, oppose this motion on the ground that this permanent addition should not be made in this Act; and, if it is to be made in this Act, its duration should be limited to one year only.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I should like to know whether my motion about circulation will be taken up after this motion is disposed of or whether both will be taken together.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member can move his amendment.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, if this question of consideration is defeated, the question of circulation would not arise.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member very well knows the practice of this House. I will allow the Honourable Member, Mr. Maswood Ahmad, to move his amendment for circulation. Then there will be a discussion both on the motion made by the Honourable the Railway Member and also the amendment, and before finally putting the question the amendment of Mr. Maswood Ahmad will first be put to the vote of the House.

**Mr. M. Maswood Ahmad**: Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1933."

In moving this motion, I want to make it perfectly clear that I do not approve of the action of certain volunteers who unnecessarily pull the chains of the railway trains and stop them. At the same time, I maintain that the amendment which is sought to be made in the Railways Act is rather very severe and very harsh and many innocent persons may come within its mischief. In section 108, you will find:

"If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a railway administration, for communication between passengers and the railway servants in charge of a train, he shall be punished with fine which may extend to fifty rupees."

That is to say, in the original section there is definite provision that unless the act is without reasonable and sufficient cause, it is not punishable. The present position is that the prosecution should prove that the action of pulling the chain was without reasonable and sufficient cause. But in the present Bill there is no mention of those words "without reasonable and sufficient cause" in the proposed sub-clause. If an innocent man with an honest intention pulls the chain even for reasonable and sufficient cause, he comes under this new clause; because when he has made use of the chain, his intention must be taken to be to detain the train, although it was done with an honest intention and for a reasonable cause. That is one defect of the Bill.

[Mr. M. Maswood Ahmad.].

Further, up till now, section 131 had reference to sections 100, 101, 119, 120, 121, 126, 127, 128 and 129 onwards. It was not for such ordinary acts as pulling the chain. Now, my Honourable friend, the Railway Member, wants that this action of pulling the chain should come under the purview of section 131 which provides that the offender may be arrested without warrant or other written authority by any railway servant or police officer or by any other person whom such a person or officer may call to his aid. This is very hard and most objectionable. Clause 3 of the Bill should be deleted. I will rather request the Railway Member to withdraw the Bill. Now, it will be very difficult for the accused to prove in a Court of law that the chain was not pulled with the intention of obstructing traffic. To illustrate my point fully, with your permission, Sir, I shall give a concrete example. Suppose we have a villager who does not know to what use the chain is put and he innocently pulls it out of curiosity or out of negligence only and the train comes to a stand still, thereby obstructing the train. His intention was not to stop the train at all. It will be very difficult for him to prove that his intention was not to obstruct the traffic. The Judge also will be in great difficulty in deciding about the intention of the accused. May I inquire from the Honourable the Railway Member whether such a man will come under the purview of the proposed amendment or will he be dealt with at all? I think he will say that ignorance of law is no excuse. I quite admit it, but I will say that for that offence only a penalty of 50 rupees should be imposed as at present. This must be realised from him; but to send him to jail is not at all justified. The punishment which it is proposed to inflict is rather hard and I am of opinion that nothing should be done unless we are assured that there is a real necessity of making the punishment so severe in character. For a temporary movement, we cannot upset the whole machinery. We cannot allow the Government to have such drastic measures for simply two or three, or, as stated by my Honourable friend, the Railway Member, 11 or 12 cases; we cannot allow them to have such a drastic measure for a few cases. This is a very wide question. Imprisonment was not sought by the law till now for pulling a chain, and so I say that this is a fit case for circulation with a view to knowing the public opinion on this point.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1933."

**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, there have been certain cases and there are judgments of Courts when a man lost his property after it had dropped out of the train, and he pleaded that it was a sufficient and reasonable cause to pull the chain. It has been held in these cases that it was not a reasonable and sufficient cause if the property was worth only about fifty rupees. Judgments have been delivered on the basis of the law, as it stands, and we know that the words "without reasonable and sufficient cause" do not protect even these genuine cases. We have to see if there has been a misuse under a misapprehension that a reasonable cause will allow them to go without any penalty.

We have seen that trains have been pulled without any reasonable cause, where there existed not even the slightest pretension that the property dropped out of the train and there was no other motive, but the motive was to stop the traffic and to cause inconvenience to the travelling public and dislocate the trains; and the whole system of the trains passing at a particular time from a particular station had been dislocated causing a great deal of inconvenience and costing a lot of money to the Railway Department. Leaving aside this question and ignoring the volunteers altogether, I say that if a person—not a Congress volunteer, but anybody—comes with this particular intention as is given in this Bill, if the intention is nothing else excepting an intention to obstruct traffic, if a man comes up with this motive only, is it justifiable that the man should be let off only with fifty rupees fine? He has got no other motive, but to obstruct the traffic. I could not understand my Honourable friend, Mr. Maswood Ahmad's arguments. He says that if a villager comes up and pulls a chain out of curiosity, and says at the same time, that he had no intention of stopping the train,—well, the innocent act does not apply to this Bill. This Bill deals with a man who interferes with such means of communication with the intention of obstructing the traffic. The intention of obstructing the traffic is the whole ingredient of this offence. If the prosecution cannot prove that this was the intention, then how will there be any offence committed by a person who accidentally pulls a chain? My Honourable friend argues against himself. He gives an illustration which has made no case, no justification for eliciting public opinion. What is the public opinion that is required for this purpose? If he had sent in an amendment to change the wording of the clause, that would have been justifiable. I had my own doubts, but when I looked into the Bill, I found that the clause is so simple that it will be waste of money and waste of energy to send it out for taking public opinion thereon. The High Courts may be consulted; the Local Governments may be consulted; Bar Associations may be consulted; everybody may be consulted, but, may I ask, for what? Whether it should be an offence if a man pulls a chain with the intention no other than to obstruct the traffic. Is it justifiable to give him a higher penalty than fifty rupees or not? That is the whole crux. My Honourable friend thinks that these public men have got no other work to do; they have got absolute leisure to give their opinions on such simple matters and my Honourable friend does not think himself to be competent to form proper judgment and give his verdict. I would understand him when he comes and opposes this Bill, but what is the sense in asking for circulating it for eliciting public opinion thereon? The public opinion can be obtained here. Here we are; we can give the public opinion on such a simple measure. It is the representatives of the people who can give full judgment. There might be certain cases, certain Bills which affect a particular community which want to bring a new law which are so vital that there should be required certain public opinion on which the Assembly cannot form any judgment; but here is the simple matter that a penalty is already provided for; that, if without reasonable and sufficient cause anybody pulls a chain, then he has to pay a penalty which is a maximum of fifty rupees. Here is a case when a man does not pull a chain without reason, but he has got one motive and no other motive, and that is to stop the traffic: the Honourable Member wants that such a case should be dealt with with punishment which rises up to six months. That does not mean that a man will be given six months: he may be given a fine of only ten rupees. It says, "or

[Mr. Muhammad Yamin Khan.]

with fine or with both". This will happen only when the case is made out and the prosecution is able to prove it. It is a lawyer's point. I suppose every Member in this House who is connected with law will know that, whenever it is put down "with the intention of doing something", the burden of proving the intention is on the prosecution, not for the defence to come up and say that here the intention was absent. That cannot be proved by the very fact that he has pulled it if it is not proved that this was the intention. Because this is absolutely a different section. If section 108(1) (b) is read, then the Judge, who tries the case, will know that one section requires "without reasonable and sufficient cause" and another section wants something more,—proof from the prosecution,—and that is the intention to be proved and the burden of proving will fall on the prosecution, not one which can be presumed. There can arise no presumption in this case, but there must come definite evidence which will be required before the conviction or fine. I do not see that a case has been made out, either for circulation or even for opposition in this case, and I support the motion which has been made by my Honourable friend, the Commerce Member.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor:

Non-Muhammadan Rural): Sir, I had no intention to take part  
1 P.M. in this debate, but after the observations which fell from my learned friend from Meerut, I feel inclined to say a few words on his speech. My learned friend says there is no necessity to send this Bill for circulation as we, the representatives of the people, are here and our opinion can be substituted for the opinion of the country, and that we represent the public opinion. If that is the case, then some changes will have to be made in the Manual of Procedure of this House and we will have to delete the clause referring to the circulation of a Bill to elicit public opinion. Apart from that, I would like to ask my learned friend, if all the Members are the true representatives of the people outside, and do they represent the opinions of their constituencies correctly? May I ask my friend to say whether the opinions he expresses here is the opinion of his own constituency on each and every Bill?

**Mr. Muhammad Yamin Khan:** Yes, always.

**Mr. T. N. Ramakrishna Reddi:** I know, Sir, there are so many considerations which come up in this House before a Member makes up his opinion, whatever view his constituency may expect a Member to express in this House. Secondly, my friend says that there is already a provision making the offence penal by the imposition of a fine of Rs. 50 for committing this offence, and that we should not object to the addition of another penal clause. He, however, does not make any distinction between the punishment which exists already and the deterrent punishment which is sought to be imposed under the clause in this Bill. Here the offence is punishable with imprisonment, and that makes a vast difference. I think, as a lawyer of standing, my friend ought to know the difference between merely a fine and imprisonment. The Honourable the Commerce Member, in introducing the Bill, stated that certain cases had arisen in which one man pulled the cord for a number of times, and hence an amendment of the Railway Act was considered necessary. After all, the Railways have been in existence for so many

years, the Railway Act has been there without this particular clause which makes the offence punishable with imprisonment, and simply because a few stray cases of this kind have occurred, the Honourable Member says it is necessary to change the ordinary punishment into a deterrent one. Sir, this is only a temporary phenomenon; it is not to be a permanent one, and as such I do not see any necessity for introducing this deterrent punishment. Even if there is any necessity, since it is to put a check on this temporary phenomenon, I think there should be a time limit for the operation of this measure. There is no such time limit specified in this Bill.

Then, Sir, it is very difficult to prove the intention. Of course, the prosecution has to prove the intention, but the very fact that a man has pulled the chain and the train stopped is enough to prove the intention of the accused to stop the train, but, on the other hand, the accused has to prove that he had no intention to stop the train and dislocate the traffic, that his intention was quite good and not bad, and this it will be very difficult for him to prove. As my friend, Mr. Ranga Iyer, pointed, a man may be travelling miles away from his native place, and, in a strange place like Itarsi or at some other way side station, it will be difficult for him to get the necessary witnesses to prove that he had no bad intention.

Again, Sir, the handle of the chain is placed near the berth of a passenger, and it is written there in letters, either in English or in one of the local languages, that a misuse will be punishable with fine. If it is in Southern India, it will be written in Tamil characters, and if it is in Northern India, it will be written in Hindustani. Even some of the educated people cannot read what is written there if the characters are in Urdu in case he is a Southerner, and in Tamil in case he is a Northerner, and much more will be the difficulty with regard to illiterate people. They do not know what is written there, and the handle will be dangling before them so temptingly that some one might, as my friend, Mr. Maswood Ahmad, just said, out of sheer curiosity, pull the chain. Sir, in the Law of Torts there is what is called traps in the premises. If a person has laid traps in his own premises or in a public place to which many people resort, and if a person sustains any injury by falling into that trap, then he can sue the owner of the premises for laying a trap. In the same way, the Railway Company has placed a trap before the passengers and it is the passengers who have a right to sue the Railway Company. Further more, the punishment that is suggested here is very deterrent; it is too severe for the trivial offence that is contemplated under this section. For all these reasons, Sir, I support the amendment of my friend, Mr. Maswood Ahmad, for the circulation of this Bill to elicit opinion thereon, because it concerns the public of the country as a whole.

**Mr. S. O. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): Sir, I accept the suggestion of my friend, Mr. Yamin Khan, and oppose the motion for circulation as well as the main motion for the consideration of this Bill. I would have understood the Government point of view if they had stated that, from a general study of such cases, they considered that the present punishment was not sufficient, and so they wanted to have a deterrent punishment. That would have been quite a different issue. The Honourable the Commerce Member said that one man in the course of a month or two had eleven times pulled

[Mr. S. C. Mitra.]

the chain, but he did not tell the House what the aggregate number of cases has been during the last two years, and what is the last date when such an occurrence happened. The fact is, the Government are very much nervous over the civil disobedience movement. Whatever they may say that they have controlled the movement, in their heart of hearts, on almost every occasion, we find that they appear to be very nervous about the civil disobedience movement. Sir, it is a passing phase. Some little boys might have taken into their heads to harass the Government, because, so far as I know, it is not in the programme of the Congress to take to these small tricks of pulling the chain or doing anything of the sort.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): What is their programme?

**Mr. S. C. Mitra:** If this thing had formed part of the Congress programme, then, as my friend, Mr. Jadhav, pointed out, it should have found a place in the emergency legislation that was enacted for three years, and it should not find a permanent place on the Statute-book of the land, I mean in the Railways Act, because it is well known to every body that these small tricks of boys will last for six or eight months and then they will disappear as they have already disappeared to a great extent. The Honourable the Commerce Member himself said that these boys were not giving their correct names or their proper addresses. That also proves that this is not a part of the Congress campaign, which is a Satyagraha campaign, where persons found to disobey laws do not plead not guilty, but boldly come forward and say that they committed the offence, and court or welcome imprisonment. They never try to escape under false pretences. That proves that it is not a part of the civil disobedience campaign or any big programme in the political fight of this country. It is some small trick which has carried away the fancies of these young boys and they are trying it, and I do not think that there is any case for Government to amend the permanent laws. I hope the Honourable the Commerce Member will give us the figures for the last two years which have compelled him to bring in such a legislation now without adequate notice. There is no motion at present for reference to a Select Committee and so I do not like to speak on it. I hope that when such a motion comes before us, you will give us an opportunity to speak on it. Sir, I oppose this motion.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

**Sir Muhammad Yakub:** During the last Simla Session, when the Ordinance Bill was introduced, as well as during the last special Session of the Assembly, when we were discussing that controversial Bill, it was abundantly shown and proved that stringent measures were required to

stop the mischief done by the Congress movement. It is needless for me, on this occasion, to repeat the strong arguments which were advanced on that occasion. On this occasion I have only to submit that attempt to stop the trains, by pulling the chain, is one of the items on the programme of the Congress and, I submit, that it is not so innocent or so harmless as my friend, Mr. Mitra, who, I am sorry to note, is not in his seat now, would have us to believe. No doubt there are certain occasions when Congress volunteers pull the chain simply for the sake of fun and stop the train, but then there are also occasions when this method of stopping the train has been used for more dangerous purposes. It has sometimes happened that certain persons, who wanted to commit robbery in the train, had their accomplices on the roadside, and one of them got into the train and, when the train was in a thick jungle, the chain was pulled, the robbers got into the train and committed dacoity and, in committing dacoity, they wounded the people, took away the treasures from the brake van.

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadan Rural): Is not committing dacoity a graver charge than pulling the chain?

**Sir Muhammad Yakub:** I do not understand what my friend is murmuring about, but I would submit that these dacoities have been committed by pulling the chain and stopping the train. Human life is in great danger these days and any weapon which is forged in order to protect human life should not be objected to. My friend, Mr. Maswood Ahmad, in his usual way, has put in an amendment that the Bill ought to be circulated for eliciting public opinion.

**Mr. M. Maswood Ahmad:** You are also supporting the Bill in your usual way.

**Sir Muhammad Yakub:** When a measure is tabled, his amendment is sent to the notice office even before the measure is before the House. My friend, in his speech, delivered this morning, has totally failed to make out any case for the circulation of this Bill. It contains only three small clauses and the chief clause of the Bill is only one. It aims at enhancing the punishment for pulling the chain for the purpose of obstructing traffic in a moving train. What is there in this Bill which requires that public opinion should be elicited about it. It is not a big enactment. The clauses are not so intricate as to require the opinion of jurists or public bodies. I know very well what would be the result if a Bill like this is circulated. The result would be that all Congress minded people, on the one side, and the people who want to encourage disorder in the country, the people who aim at coming into limelight by making speeches which are against law and order,—all persons, who want to carry on an election propaganda by such means, would say that the Bill ought to be thrown out on the other hand. All the law abiding people in the country, all the lawyers and the Judicial officers will support the Bill and say that the enhancement of the sentence is really necessary.

Now, as regards the provisions of the Bill, my friend, Mr. Ranga Iyer, has pointed out that the provisions of the Bill may hurt the innocent and that even children, who only pull the chain for the sake of fun would be prosecuted and get imprisonment. Probably he has not carefully gone into the clause. The clause says "with the intention of obstructing



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traffic." If the chain is pulled with this object, he will come under the purview of this clause, but not if it is pulled for some emergent purpose, such as a valuable box falling down, and so on. Moreover, the punishment of imprisonment has not been made compulsory under the provisions of the new Bill. We find that in certain circumstances Courts have been given discretion to give sentence of fine as well as punishment. The only punishment given by the old section was fine, while this clause adds imprisonment. The Honourable Member in charge of the Bill has shown that the present punishment has not proved sufficiently deterrent to stop the recurrence of the offence and it was considered necessary to enhance the sentence by adding imprisonment also. It has been shown that the same persons go on committing this offence again and again, a fact which shows that the fine of Rs. 50 is not enough to stop the mischief. Therefore, the punishment of imprisonment has been added. It is not necessary that in every case the extreme punishment should be inflicted. The sentence always varies with the circumstances of the case and if the Magistrate finds that there are extenuating circumstances, he will not inflict a punishment of six months to which my friend has taken exception. For all these reasons, I submit that the need for this amendment has been abundantly proved and, there being no reason why a small measure like this should be circulated, I support the motion before the House.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to oppose the consideration of this Bill, which, in the opinion of my Honourable friend, the *ex-Speaker* of this House, Sir Muhammad Yakub, is not a big enactment and which, therefore, ought not to be circulated for eliciting public opinion thereon. Sir, I do not also stand for its being circulated for public opinion: I want the total rejection of the consideration of this Bill, and my reasons are these. Sir, in the Statement of Objects and Reasons we find it stated:

"Numerous cases have recently occurred of misuse of the means of communication between passengers and the railway servants in charge of a train for the purpose of paralyzing the train service."

Evidently when section 108 of the Indian Railways Act was enacted, the framers had in view the fact that there was every likelihood of such misuse of the alarm chain and they inserted a section penalizing the same. Sir, this alarm chain is an innovation during our life-time. There was a time when there were no alarm chains in railway trains. This is an innovation of very recent times. Formerly, when we used to make long journeys, we had no means of communication with the guard. I may tell this House that almost from my infancy I have been accustomed to making long journeys from one end of India to the other, even outside India where there are railway lines, I mean up to Baluchistan, and there were then no alarm chains. We never needed one, but somehow or other the necessity was felt, and it might have conduced to the benefit of some people for whose benefit it was brought into existence. But, during the last 57 years of my life, I never had occasion to use an alarm chain. Sir, I do not see any necessity of penalizing the use of a thing which was brought into existence for the purpose of safeguarding the interests of the travelling public. For intentional misuse penalty was provided in section 108. But what do they want to do now? They want

to increase the punishment for such misuse and, I beg to submit, that I cannot compliment the Treasury Benches for their draft of this Bill, which is an all-India Bill. That draft ought to be of a far better type than the one which has been introduced, and the insertion of another sub-clause (2) makes the draft rather very clumsy,—because here we have all the elements and everything that is necessary in section 108 for an offence of this kind with only less punishment than what is now intended. Section 108 is as follows:

“If a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a Railway Administration of communication between passengers and the railway servants in charge of a train, he shall be punished with a fine.”

In the Bill before us, there is also the same thing, only in altered language, *viz.*:

“(2) If a passenger so makes use of or so interferes with such means of communication with the intention of obstructing traffic, he shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.”

only the penalty is more.

Now, evidently any such use interferes with and obstructs railway traffic. There can be no doubt about that. That being so, I think, instead of having two sub-clauses, they might have introduced the words “or to imprisonment”, say, for two years or seven years, or, if necessary, to transportation or, for the matter of that, to capital punishment, subject to confirmation of the High Court or not subject to the confirmation of the High Court, after the words “with a fine” in section 108 of the present Act. I really fail to understand why there should be two sub-clauses like these. Here the phrase is very plain even to a layman: “without reasonable and sufficient cause”. What is reasonable and sufficient cause is a matter for judicial decision. There is little or no difference between an intention to do a thing and doing a thing without reasonable and sufficient cause. Intention is of course distinct from knowledge and one may not have the intention of obstructing traffic, but, merely for the sake of curiosity, one may pull the chain or accidentally touch or fall over the alarm chain when attempting to alight from the upper berth. (Laughter.) There is nothing to laugh at. Supposing I have got a suitcase on the upper berth and somehow or other I want to take it down and it touches the alarm chain and it comes down.

**An Honourable Member:** Or it may be for the sake of fun.

**Mr. Amar Nath Dutt:** Now, if it is for the sake of fun or accidentally, it ought to have been clearly stated that “if a Congress volunteer, in furtherance of the civil disobedience movement—as I understand my Honourable friend, Sir Muhammad Yakub’s meaning to be—pulls the alarm chain.....” That would have been intelligible. I regret, Sir, that this Bill should have been introduced by the Honourable the Commerce Member. I think he has encroached upon the province of the Honourable the Home Member, probably thinking that he is over-worked and he wants to give him a little respite. Whatever may be the case, I beg to submit that the wording of this Bill is very unhappy. We have been told by no less an authority than His Excellency the Governor General that the situation was well nigh in hand, that the civil disobedience movement was

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dying out and, if I understood my Honourable friend on the other side aright, that this additional punishment was only meant for the civil disobedience-walas as explained by my Honourable friend, who, I think, is also to a certain extent in the confidence of those who are responsible for the maintenance of law and order. That being the case, I think that time has gone for any reactionary legislation like the one that is being attempted to be introduced. Then, Sir, it has been said that a fine of Rs. 50 is a very paltry sum. Of course, men with long purses can say that and I have no quarrel with them. Whether Rs. 50 is a very paltry sum or is a large sum is a matter on which we may disagree, but at least my friend, Mr. Joshi, will disagree with the Honourable the ex-Speaker of this House.

**Sir Muhammad Yakub:** Everybody would agree that the Congress has got a very long purse.

**Mr. Amar Nath Dutt:** I do not know what the purse of the Congress is like, but it has been said on the floor of the House here that the Congress is dead.

**Sir Muhammad Yakub:** But a cat has seven lives!

**Mr. Amar Nath Dutt:** The Congress has been described, Sir, as a cat, but I think the Congress has been killed more than seven times. I remember the day when, after the third Congress at Madras, the then Viceroy, Lord Dufferin, said that it was a big jump into the unknown, and characterised the same as a microscopic minority. We also remember the opposition that was offered by the Government by setting up certain retrograde politicians in this country like Raja Siva Prasad and another person whose name I need not mention. They tried to destroy the fourth Congress at Allahabad. A year after, the Congress met at Bombay when it was graced by the presence of Mr. Charles Bradlaugh: then, also, they tried to put it to death once more. Then, again, when the Congress, rejecting the beggar's bowl, asserted its determination to get Swaraj, various kinds of impediments were put at several stages to kill it, and it was killed. So, my friend may rest assured that the seven lives of the Congress have been taken away.

**Sir Muhammad Yakub:** You have mentioned only three or four instances: what about the rest?

**Mr. Amar Nath Dutt:** I can go on multiplying the instances, but I do not think that will be relevant. Besides, it will be taking too much advantage of the Honourable the Deputy President for saying things which are irrelevant. (*Honourable Members:* "They are very interesting: go on.") Now, Sir, we may take it that the Congress activities, which the Government of India do not approve and which the people do not approve, are non-existent.

**Sir Muhammad Yakub:** They can pull your chain!

**Mr. Amar Nath Dutt:** My chain! Sir, I should characterise the pulling of chains as a boyish prank. If we go back to our boyhood, we will find that we did more mischievous things than these. That being

the position, I submit, Sir, that the Statement of Objects and Reasons is not convincing at all for a further amendment of the Indian Railways Act. If the Government of India wanted to put a stop to any mischievous acts of that class of people, who are said to be still prowling over the country, then, I think, it ought to have been brought in along with the measure which we passed in the last Session, namely, the Ordinance Bill. It is not in the province of the Honourable the Commerce Member to come up to us for a legislation which smacks of law and order. Sir, when the Honourable the Commerce Member took over the charge of the Railways, we congratulated ourselves that an Indian was put in charge of the Railways and we expected more facilities for the travelling public. If, by pulling the chain, we can get more comfort in the railway train, I think we may consider it as a facility. Supposing the train is passing through a desert and there is not a drop of water to be had in the compartment, and if one pulls the chain to get water, I would say that it is a facility. I expect my Honourable friend, the Commerce Member, to come up to this House with this kind of legislation to grant more facilities to the travelling public. He ought to have some legislation for stopping the bad food that we get all over the East Indian Railway, at least the food that is supplied to Indians. Then we want more reserved berths, especially from intermediate stations where an attempt is being made to charge us from the very starting point to which my Honourable friend over there did meekly submit, because he is an official. I have neither the long purse nor the desire to submit to such things and we do find that we do not get reserved berths from intermediate stations even after the assurance of the Financial Commissioner for Railways. But what do we find now? We find practically the same things which we had during the régime of the Honourable Member's predecessor, namely, more penalising and more discomfort for the passengers. Sir, it is a great pity that I have to make these observations when the department is in charge of such a sympathetic Member as the Honourable Sir Joseph Bhore. I have a shrewd suspicion that somehow or other he has been made a cat's paw and probably the Home Member got tired of repressive legislation of which he had had enough of late. So he wanted to have this legislation through Sir Joseph Bhore. Sir, be that as it may, I have already said that I cannot support the circulation of the Bill, because it does not deserve to be circulated. The reasons that were advanced for its circulation were, to my mind, not convincing.

It was said by an Honourable friend, whom I do not find here now, the leader of a great party, Mr. Yamin Khan, that there was  
 3 P. M. no sense in asking for public opinion. Of course, Sir, party leaders know that they represent all the wisdom of the public, but we, the humble camp-followers of party leaders, who were never party leaders and who are often taken to the slaughter house by party leaders, do not possess the same wisdom and we cannot flout public opinion in the way in which they can afford to do it.

**Mr. F. E. James** (Madras: European): Form a new party.

**Mr. Amar Nath Dutt:** I should like to do it with Mr. James and also the occupants of the Treasury Benches if they would follow my leadership in which case I would show them the right path. But that is not to be soon.

**An Honourable Member:** What about your own party leadership?

**Mr. Amar Nath Dutt:** The Honourable Member knows as much about my leader as I do. A brilliant lawyer, with triple doctorate, an *ex-Vice* Chancellor of an University and a great jurist, whose books we have often to quote, anything said about him irreverently would be the height of impertinence. He is one of the greatest party leaders that this House has ever possessed and I am proud to be his follower.

However, Sir, I beg to submit that this Bill does not deserve to be considered at all by this House; at best we may, by way of co-operation with Government, agree to its circulation. Besides party leaders like Mr. Yamin Khan, there is a vast number of thinking public outside who are behind us who would like to know how they will be affected by this Bill. As I have already said, during the last 57 years I have never had occasion to use this chain and it does not interfere with my comforts, and I do not care whether you keep it or not, because it could not save my purse from being stolen recently. If they are worried over this alarm chain business, I would suggest that they should have telephonic communication with the guard and the passengers. My Honourable friend said that the train is often stopped in the jungle and the perpetrator can easily run away. I do not know whether my Honourable friend is aware of daily passengers whose houses are near the railway line and who stop these trains near their houses by pulling the alarm chain after dusk and then run away to their homes. It never occurred to them before that some method ought to be devised to stop that kind of mischief. But it occurs to them now when, according to them, the civil disobedience movement is a spent force and is on the wane. Even as regards the Congress people, I would point out that they would prefer jail to fine. That has been found in many cases; they prefer to go to jail rather than pay the fine. By filling our jails with convicts like these, there have been deficit budgets both in the provinces and here. If Government could convince us of a real necessity for this Bill, I would like to have more fines instead of imprisonment. Be that as it may, there are judicial aberrations and judges also make mistakes and take a wrong view of the evidence. That being so, it may be that an innocent man, who pulled the chain accidentally and not wantonly without any intention of obstructing traffic, may be fined. If you send such innocent man to jail who had never any intention of joining the civil disobedience movement or the Congress, you take away one man from the ranks of your supporters. I am never tired of repeating that a little more conciliatory policy from the official benches would convert many civil resisters into law-abiding citizens. Furthermore, I beg to submit that the repressive measures of the Government have been alienating the sympathies of those who would willingly support law and order; by unnecessarily harassing them, you drive them over to the other camp, to the camp of the civil resisters. That is a thing which I most respectfully request you to consider, whether or not this is the case. When you go on having collective fines, making no discrimination between innocent men and the real wrong doers—it may be that there are only half a dozen wrong doers in a city, but you go on putting collective fines over a whole class of citizens by their religion—when you do this, you alienate their sympathy. Take, for example, the case of Chittagong where the Hindu residents only, 85 per cent. of whom . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order. I would like to know from the Honourable Member whether, in his opinion, he thinks the remarks that he is now addressing are relevant really to the amendment that we have before us.

**Mr. Amar Nath Dutt:** I am just coming to the conclusion. By putting collective fines on a certain section of the community who profess a particular religion, because a few of them, say, fifty, were concerned in committing a crime in a population of a lakh of people of whom about 20,000 are Hindus, instead of punishing these fifty, you punish these 20,000, you take away the sympathy of these other 19,950 people from the side of the Government to the side of the civil resisters; and, that being so, I submit, that if really they want to have legislation which would go for the comfort of the people, as well as for the facility of the travelling public over the railways, they ought to devise some other means than penal legislation like the one which has been introduced. Furthermore, I submit that this Bill is not consistent with the dignity of an all-India legislative enactment and not consistent with the dignity of this House to consider. I think it need not be considered, but if the House is so minded and if there are some of us who are in favour, let us know public opinion. I would rather have that instead of saying that we are the public.

As regards my friend, Sir Muhammad Yakub's argument, that the burden of proving intention is on the prosecution . . . .

**Sir Muhammad Yakub:** I never used that argument.

**Mr. Amar Nath Dutt:** I took down notes, unless of course I was mistaken. I beg to apologise to Sir Muhammad Yakub. It was Mr. Yamin Khan, the learned leader of the United India Party, who said that the burden of proving intention was on the prosecution. Of course he is also a lawyer: I am also a lawyer of thirty years' standing and perhaps not altogether inapt. That being so, it would be better if we were before a Court of justice arguing our case and then we might have given whatever interpretation to suit our case. Here, when we are legislating for the people, I think he should not have said that the burden of proving intention lies on the prosecution, for section 39 of the Indian Penal Code provides that:

"A person is said to cause an effect voluntarily when he causes it by means whereby he intended to cause it, or by means, which, at the time of employing those means, he knew or had reason to believe to be likely to cause it."

That being so, I do not think that intention has to be proved in cases of this nature. There is a well known saying that even the devil himself does not know the intention of an act. My Honourable friend has come after I have finished. (Laughter.)

**An Honourable Member:** Repeat your arguments!

**Mr. Amar Nath Dutt:** I have already taken much of the time of the House and I do acknowledge that at times I brought out certain facts which are not, strictly speaking, relevant, and I do not wish to traverse the same ground which I did in order to please my friend over there: it would be an injustice to the House. But, in opposing this Bill, I should

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say that the whole body of public opinion is behind us; the whole of the travelling public is behind us. I challenge how many of us, out of 140, had ever occasion to use the alarm chain, and I shall leave it to Dr. Ziauddin to calculate in a population of thirty crores, of whom one crore may be said to be travelling public, to calculate percentage. Without consulting railway travelling public, to take this Bill into consideration and have it passed today, I cannot agree. A person is said to cause an effect voluntarily when he causes it by means whereby he intended to cause it or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it. That that intention is different from knowledge cannot be denied; but here we have neither the intention nor anything of the kind, but we have the words, "If a passenger so makes use of, so interferes with such means of communication". In every case there will be obstruction of traffic, whether it is for a lawful purpose or an unlawful purpose, whether it is to annoy or to commit robbery, as my friend has experienced over there. . . .

**An Honourable Member :** Who?

**Mr. Amar Nath Dutt:** Sir Muhammad Yakub. But if he makes use with the intention of obstructing the traffic, he is punished. In the original section you will find the words "without reasonable and sufficient cause". I think that will cover every silly use of this alarm chain. I do not know what harm is there if my friend had used those words even if he thought that sub-clause (2) was necessary instead of having a higher punishment in one section.

**Sir Muhammad Yakub:** Put in an amendment to that effect.

**Mr. Amar Nath Dutt:** I beg to submit that as I have already said, if you are so minded you might have raised the fine of fifty rupees to one hundred rupees. I may be thinking that I am right in pulling an alarm chain, while the Judge may decide otherwise by taking a perverse view of the evidence and when these railway people take it into their heads and the police also to prosecute a man, the Judge in our country, who is generally a man with an executive bias, has generally a fondness for conviction. In fact the saying goes, "No conviction, no promotion". That being so, I submit, that this Bill should not be considered by this Assembly and passed. It can go for circulation in which case, of course, I am willing though reluctantly to vote for circulation; and I think the Honourable Member in charge of this Bill will appreciate the wisdom of my suggestion. It is a sort of compromise between my position and having it passed now and here. I think there is no harm if the Bill is circulated for eliciting public opinion. Really, where is the harm? It is not for your convenience that the Railways exist.

**An Honourable Member :** Whom do you mean by you?

**Mr. Amar Nath Dutt:** I don't mean the Chair, but I address the Treasury Benches through the Chair; it is not for the Government's convenience that all these things have to be enacted, because we must not forget the fundamental fact that all these enactments are for the benefit of the people, and that they should be enacted by the people and for the

benefit of the people. It is not for the benefit of a few servants of the Government. Sir, we have found a great improvement in the services recently. They are more willing to serve—I do not know whether they say so only by words,—but at least they profess that they are really the servants of the people. If that is so, I would suggest to the Honourable Member in charge to withdraw this Bill, have it re-drafted and in a better form, and not to have this unhappy specimen of legislative draftsmanship to go forth over the world which will show that “here is the Legislative Assembly of India, enacting sub-section after sub-section, adding one section here and another section there” in a haphazard manner. I would ask the Treasury Benches to imitate the draftsmanship employed in this great Code, by that great man, Lord Macaulay, I would ask the drafter of this measure. . . .

**An Honourable Member :** Whom do you mean?

**Mr. Amar Nath Dutt :** I am not going to name him. . . .

**An Honourable Member :** Lord Mitchell?

**Mr. Amar Nath Dutt :** I would ask to have a better draft before we can consider the Bill. In fact, we have our friend, my Leader over there, who has drafted the whole Hindu Code (Applause from the Nationalist Benches), and, in spite of his presence here, nobody ever thought of him, they perhaps thought that it would be derogatory to their sense of dignity if they took into confidence the Opposition Leader regarding the draft of a Bill. It is with pain and regret that I make this observation and object to its provisions. Therefore, I do not agree either with the Statement of Objects and Reasons or with the provisions, and so I oppose this measure.

**Khan Bahadur H. M. Wilayatullah.** (Central Provinces: Muham-madan): Sir, after listening to the many speeches which have been made today over this small measure, I think, if there had been a communication cord in this House, I would have pulled it (Laughter) to stop this train of the speeches which are going on uninterruptedly, whatever the punishment might have been for me for so doing.

**An Honourable Member :** You would have lost your pension.

**Khan Bahadur H. M. Wilayatullah :** No, not for stopping this train here. Sir, the proposition before the House is very simple. Some provision is necessary to deal with cases of deliberate mischief-doing. I shall come to the merits of the Bill later on.

My friend, Mr. Amar Nath Dutt, just asked the Members of the House to say how many times they had pulled the chain. I did so twice (A Voice: “Eh!”), and I will describe to the House the two occasions on which I had to pull the chain. Once I was travelling on Government duty, and the train was to stop at the station of my departure for only two minutes. I had a ticket. It was then raining very heavily. All the first class carriages were closed from inside and none would open a door for me and the train began to move. I had, therefore, to enter a third class compartment and pull the chain. When the railway authorities asked me why I pulled the chain, I said that I had to go on important Government duty and could not stay behind.



**Mr. Amar Nath Dutt:** Were you not prosecuted?

**Khan Bahadur H. M. Wilayatullah:** No. On another occasion, when the train was about to move, a passenger unfortunately forgot to pick up his child and left it on the platform. He himself was busy in transferring his luggage into the carriage, and when he entered the compartment and the train started, he discovered that he had left his child behind. The child was too young and could not even speak, and the man began to cry. There was a great noise, and I looked out to see what it was all about. I saw that this poor man was quite ready to jump out of the carriage. I then shouted at the top of my voice and beckoned to him not to jump out and I pulled the chain. These are the two occasions on which I had to pull the cord to stop the train.

The proposition before the House is very simple. Section 108 punishes with fine only those persons who improperly and without sufficient justification pull the chain. Now, when a man with no money in his purse is determined to pull the chain, even if you place him before a Magistrate, nothing can be recovered from him. Of course, the railway people will not be able to get anything out of this man and the Magistrate is equally unable to recover any thing. When the chain is pulled again and again, people are put to much inconvenience. Under these circumstances, when a man pulls the chain with the deliberate intention of obstructing the traffic, and it can be proved satisfactorily that his intention was nothing else, such a person deserves severer punishment. You must leave it to the Magistrate to find out whether the case was such in which there was justification for the man to pull the chain or not, and when it is proved that he pulled the chain with the deliberate intention of obstructing the traffic, he certainly deserves a more severe punishment than what has been provided in law hitherto. Magistrates, who have to administer the law, are better judges of these matters than many of the Honourable Members who have no experience of such things. When I was in service, several such cases came up before me in which people were produced before me for recovery of penalty and I could recover nothing from them.

There are certain sections of the Railway Act under which only money can be recovered, and when the Railway authorities find that a person has no money, they ask the police to recover it, but they too can do nothing in the matter. The man is placed before a Magistrate who also can do nothing and the offender is let go. In a case like the one contemplated in this new sub-section to section 108, when a man intentionally pulls the communication cord with the object of obstructing the traffic, I think there should be a more severe form of punishment than is ordinarily awarded under section 108 and a sentence of imprisonment would be appropriate. I, therefore, support this measure.

**Mr. K. C. Neogy:** Sir, within barely 24 hours, this House has been called upon to consider a second small Bill seeking a small amendment of the Railway Act. Evidently the Honourable Member in charge is a believer in small doses of legislation, so far as the Railway Act is concerned. For aught I know, he may be a believer in Homeopathy, but I may tell him that when the medicines are of high potency, the doses, however small they may be, must not be repeated too frequently. If it is done it is liable to destroy the confidence of the patient in the Doctor, and

that is a very serious result which I do not want to contemplate with reference to my Honourable friend, the Member in charge . . . .

**An Honourable Member:** The Doctor has not yet spoken.

**Mr. K. C. Neogy:** The Doctor is there in charge of the Bill. If the Bill is short, the Honourable Member's speeches both yesterday and today, in support of these small measures, have been as beautifully short. Now, what my Honourable friend said today was more or less a paraphrase of what we have got in the Statement of Objects and Reasons. Numerous cases have arisen which require the tightening up of the alarm chain. That is more or less the Government position. Now, this Statement of Objects and Reasons, to which my Honourable friend is signatory, bears the date 22nd November, 1932. My Honourable friend,—I sympathise with him,—is new to the Department. He was away from the country for a pretty long time, and within a few weeks of his arrival here he was called upon to put his signature to this Statement of Objects and Reasons, and perhaps he had no opportunity at the time to go into the matter as carefully as we at least on this side of the House would wish. It bears the date 22nd November, 1932, and says "Numerous cases have recently occurred". Now, we have got to interpret the word "recently" with reference to that date. It has already been asked as to when was the last case reported. Can the Honourable Member give this House a list of the cases together with the dates, showing also the different parts of the country where they occurred, and where and when was the last case? Is it a continuing evil? That is a very legitimate question which has not yet been answered. Then there is the question, how many of these cases were taken up to Courts of law and with what result; what observations were made by the presiding officers of those Courts of law with reference to the adequacy or the inadequacy of the punishment as provided under the existing law; in how many cases was the maximum penalty imposed, and in how many such cases the offence was repeated? These are questions which require to be looked into before any one on this side can be expected to give his assent to such a measure. My Honourable friend, I dare say, is conversant with all the sections that are to be found in this Chapter which deals with Penalties and Offences. He has chosen one particular section for amendment. Now, may I draw his attention to one other section, namely, section 121, which runs to this effect:

"If a person wilfully obstructs or impedes any railway servant in the discharge of his duties, he shall be punished with fine which may extend to one hundred rupees."

There is no imprisonment provided under this section. The evil which my Honourable friend is anxious to attack is the obstruction of traffic. It is of very little consequence as to whether that traffic is obstructed by obstructing a railway official,—may be the guard, may be the driver of the train,—or by pulling the communication cord. Supposing someone, in order to obstruct traffic, obstructs the driver of a train, he is punishable under section 121. The result is the same—the train cannot move. In that case, the only penalty provided is a fine up to Rs. 100. But, here, in this case, the Honourable Member is not satisfied, because perhaps he attaches some kind of sanctity to the communication cord. Communication cords must not be lightly tampered with,—that perhaps is his attitude. It does not matter whether something else leads to the very same result. I understand, because I was not here during the November Session, that

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my Honourable friend is a great believer in the principles of reciprocity. Now, this Chapter of the Railway Act, to which I have made reference, mentions in the various sections not only offences that may be committed by the public as against any railway authorities, but there are also offences specified of which the railway authorities themselves may be guilty. There is one particular section to which I would like to draw my Honourable friend's attention, and that is section 102, which is being violated every day of our life by almost every railway man who is in charge of a train. On grounds of reciprocity, I would like to have the law tightened up, so far as that is concerned. I will just read out the section :

"If a railway servant compels or attempts to compel or causes any passenger to enter a compartment which already contains the maximum number of passengers exhibited therein or thereon, he shall be punished with fine which may extend to Rs. 20."

Now, Sir, is it not our common experience that if prosecutions were undertaken, there could be any number of prosecutions launched every day throughout India under this particular section? I am sure that my Honourable friend, Mr. Joshi, who has made a special study of the grievances of third class passengers, will have something to say in support of this contention of mine. Now, supposing—why supposing, it is a fact, that notwithstanding this provision of the law, railway servants have never cared to discharge their duties as contemplated under this particular section. I can as well argue that the penalty provided there does not frighten the railway official, and when the penalty is only a maximum fine of twenty rupees, he knows that he can with impunity break this particular provision of the law. Now, supposing I were to demand, on grounds of reciprocity, in which my Honourable friend is a believer, that this provision also should be tightened up, that is to say, if a railway official is found to be guilty under this section more than once, he should be sent to prison for a term of months, and, if the offence goes on unchecked, even the Honourable Member in charge should not be above the law and he should be put into prison.

My Honourable friend, Mr. Wilayatullah, has given his personal testimony, his personal experience about this chain pulling business. I myself had unfortunately on one occasion to stop the train, but I am not going to relate to the House the circumstances in which I had to do it. I am certainly prepared to say, however, that I did pull the communication cord on that particular occasion with the definite intention of obstructing traffic. If I were not in a position to obstruct the traffic, my whole object would have been lost. I wanted to obstruct traffic by impeding the progress of the train and that certainly is the result that one intends—the obstruction of traffic. I do not want to relate the particulars of the case, because I may be accused of being prejudiced. I will refer to another incident where I was merely a witness. It was about three years ago when I was on my way to Simla to attend the Session of the Legislative Assembly. In the same train, though in a different compartment from mine, there happened to travel a responsible member of an all-India Service. He was going up to Simla on official duty. He had just been asked to proceed to Europe for special study of some kind. He had to sail within a week and he was asked to see his official superior before he sailed. When the train arrived at the Tundla Junction, he was met by a party of his friends. He naturally

got down from the train and talked to his friends on the platform. Just when the train was about to start, he came back and found that all his luggage was strewn about the platform, and when he looked about, he found that there were some white faces in the compartment which had been so far tenanted by him. The train was about to start. With the help of his friends, who had come to see him, he managed to put in his luggage and he somehow scrambled into the compartment. Within barely half a minute of that, the train was pulled up with a jerk. I had not known anything about these incidents till the train had been pulled up. The train had not yet left the platform and the whole lot of the railway officials, white and semi-white, trooped into the compartment and there was a great row created. I was wondering whether anything serious had happened, whether somebody had been murdered. When I got out, I found that the whole lot of the railway officials were threatening that Indian official with prosecution for stopping the train. When I could go sufficiently near him and ascertain the facts, I was told that as soon as he had got into the compartment, he was about to be assaulted by one of the white men who had got into the train at that station, but this explanation would not satisfy the railway officials. I understood that his luggage was thrown out on the platform with the help of the railway officials themselves, because these people were friends of those railway officials, and now the Indian official was about to be dragged down from the train. Meanwhile the police were called in. I found that in this case the police were more reasonable than usual. When they came in, they took down the statement of this official and allowed him to go. So this is how that official was enabled to see his official superior in time for him to catch the boat by which he was to leave on official duty. This incident is particularly relevant to clause 3 of the Bill which seeks to give the power to arrest without warrant not merely to police officers, but also to railway officials. What would have happened in this case, supposing this power had been granted to the railway officials? They would have dragged down from the train this official and he could not have seen his official superior in time. In view of these circumstances, I am sure, that the Honourable Member expects too much if he really counts on the support of this side of the House.

**Mr. Lalchand Navalrai:** Sir, I am sure, I will not give an opportunity to the Chair to pull the alarm chain in order to ask me to be relevant on this Bill. I must say that I have very grave misgivings with regard to this little Bill. We have a provision in the Railway Act which was enacted in 1890. Under section 108, it is provided: "if a passenger, without reasonable and sufficient cause, makes use of or interferes with any means provided by a railway administration for communication". This has been paraphrased by the railway by putting a notice underneath the alarm chain in the carriages to say "penalty for improper use of the alarm". These words "improper use" have been misconstrued many a time and the provisions of this section 108 have been abused so many times. On that account, it is very necessary to see that no amendments should be made to cause more trouble than what people are experiencing already.

Instances have been given where this trouble and inconvenience have been given to passengers. Two instances have been quoted by my Honourable friend on my left which showed, however, that the occasion for pulling the chain was very necessary and very innocent, but there have been cases where there is a doubt as to how the railway authorities or even the Magistrate would construe the particular occasion on which this chain

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is pulled. I will give personal instances. I was returning from Ceylon. There I happened to buy a shaving brush which was made of rubber. It was a nice one. I liked it, but I paid Rs. 5 only for it. While I was travelling in the train, it slipped out of my hand and went down. I very much liked that it should not go. I then thought of pulling the alarm chain, but there was a doubt in my mind. I knew that the railway authorities had been misconstruing the meaning of section 108. So I had to forego that brush, and did not pull the chain. There I treated the matter very cautiously, but there are people who would say why, in a matter like this, the alarm chain should not be pulled. In my own opinion, I feel that on an occasion like that, it would have been proper to pull the alarm chain. There was another instance where a great row was created. I was travelling with my servant and when I came to Samasata, there were two trains for Delhi. One was to go direct and the other *via* Bhatinda. I was in the train which was going to Lahore direct and my servant got down on the platform and, when the train moved, he just got in. On his entering, persons in the compartment asked him where he was going. He said he was going to Delhi, whereupon they told him that train going to Delhi was higher up on the opposite side. The train had moved by this time and, at that time, the boy, out of anxiety, jumped out and fell flat on the platform. Just coincidently I found that the boy had jumped out of the train and I pulled the chain. Fortunately the boy had not been hit hard. When the train stopped, the boy was taken in, but the guard created a great row. He said it was not a proper use of the chain.

**An Honourable Member:** Were you prosecuted?

**Mr. Lalchand Navalrai:** I was not prosecuted. Better sense prevailed and advisers like you told that they would be befooling themselves. The point is not whether a man is prosecuted or not. The point is whether the clause is likely to be abused or not. The main point that one has got to look to, when enacting a clause which is vague and loose, is whether there is any danger of its misuse and, it is for this reason, that I object to this Bill being taken into consideration.

Sir, in section 108, the words are :

"When a passenger, without reasonable and sufficient cause, makes use of," etc.

The words in this clause are :

"whoever with the intention of obstructing the traffic",  
pulls the chain.

Now, the doing of a certain thing without reasonable and just cause would certainly amount here to obstructing the traffic, and, therefore, why should it not be considered that even though there exists the word "intention" in this clause to which I am just coming, yet, when the object is to obstruct the traffic, any one coming under the clutches of section 108 can equally come under the purview of this clause. Therefore, this clause is not happily worded and this clause is not aimed at securing the object with which this amendment is sought to be enacted.

Now, let me come to the Bill itself. Sir, you find that here the words have been put that "whoever makes use of the communication

alarm chain with the intention of obstructing the traffic". Now, that is too general and would include many incidents. What is the real intention of the Government in asking for this amendment? For that, we must go to the Statement of Objects and Reasons and there we find that there the object is different, but that when a general term is used in the Bill itself, the object is absolutely departed from. So the Bill becomes more elastic than intended to be passed.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Why did you not give notice of an amendment?

**Mr. Lalchand Navalrai**: It is not a question of amendments. I think the whole Bill should be overhauled. In the Statement of Objects and Reasons, we find it stated:

"Numerous cases have recently occurred of misuse of the means of communication between passengers and the railway servants in charge of a train for the purpose of paralyzing the train service."

Now, if the phraseology "whoever paralyzes the train services will be punished with imprisonment" had been used, there would have been some sense, but to say, "with the intention of obstructing the traffic" would mean anything and everything and, on that account, to inflict a punishment up to six months' imprisonment is absolutely cruel and inhumane. Then, Sir, it seems to me that the enactment goes too far when it provides such stringent penalties, for instance, "imprisonment of six months" and makes the offence non-bailable and cognizable—cognizable not only by the police, but cognizable by even a railway servant or any person deputed by a railway servant or the police. Now such stringency belongs only to the Ordinances that have been now-a-days in vogue and in the emergent Bills which have been passed by this House—under what circumstances the country knows; but, to make a law like this for ordinary circumstances, by way of an ordinary statute which is to remain permanently, is absolutely wrong.

Sir, it seems to me that what Government really contemplate or have in view is to meet the non-co-operation or the civil disobedience or the terrorist movements and probably this is one of the Bills which is aimed at stopping their activities. So far it may be all right. But, Sir, may I ask, is it conceivable that people in general have got so mad that everyone would be coming round and pulling the chain in order to stop the railway traffic? No. It would be only those particular people who may be in that movement that may sometimes do it, and for the matter of that, certain boys with immature minds might come and do such things. Now, to meet such rare contingencies, would the Government like that a general enactment should be made, and that also of a permanent character? If a Bill were aimed specifically at such persons and if an appropriate Bill were before the House, I think the House, if satisfied that such cases are numerous, would look at such a Bill with sympathy, but until such a case was made out and a separate Bill introduced for that particular purpose, to punish people at large generally under this Bill for so-called obstruction of the traffic is not fair or correct.

Sir, a point was raised that between this Bill and section 108 of the Railway Act there is a difference, and I am not surprised that my Honourable friend, Mr. Yamin Khan—who is not present now—oh, I see he is

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present, but not in his seat—took up the brief for the prosecuting officers and said that as it has been provided in this Bill that an intention has to be proved, Government would do that. But, Sir, we know in such cases very often the accused have been made to prove their intention, as soon as it is merely proved that the chain was used.

**Mr. Muhammad Yamin Khan:** The words in the proposed section are “with the intention of”.

**Mr. Lalchand Navalrai:** The Honourable Member should not think that I have not understood the section. Let me develop my point. Sir, what I mean to say is that even though this clause pre-supposes an intention to be proved, yet, in practice, as soon as they have shown in Court that there was no sufficient or reasonable cause for the act, they presume a *prima facie* case for intention made out, and what reply will my Honourable friend then make? In the Court, as soon as it is proved that such an act has been done by the accused without sufficient or reasonable cause, it is very likely, the burden will at once be thrown on the accused to prove his own intention,—and, Sir, I ask, is it not very difficult? Take the case of the man who has pulled the chain. They take him to Court, and the prosecutor puts in the plea that he has done it without reasonable or sufficient cause: certainly the accused will be asked to say what intention he had. So, it is not an easy thing to say that, because the word “intention” has been put in the clause, the prosecution will be so wise to say to the Magistrate, “we do not press the case, because we have not proved the intention”. They will generally say that the intention is a matter within the knowledge of the accused, and may refer to section 105 of the Evidence Act. My Honourable friend from Meerut knows law and he knows that, under section 105 of the Evidence Act, when a particular thing is within the knowledge of a particular man, he must prove it. The Honourable the Law Member has on many occasions taken shelter in matters like this under section 105. Sir, what I mean to urge is that by only inserting the word “intention”, the mischief of the

4 P.M. Bill has not been removed. Under these circumstances I am against this Bill unless it is overhauled and the strict and loose provisions are taken away with regard to the offence being non-bailable and cognizable. As I have pointed out by narrating several cases, if this clause had been thus amended at that time, as it is now being sought to be amended, there would have been so much difficulty. The policeman could have arrested on the spot and the man would have been asked to prove his intention in the Court.

Then, Sir, with regard to the question of circulation, the Honourable Member from Meerut considers that the suggestion of circulation by my Honourable friend, Mr. Maswood Ahmad, is a senseless one. On the contrary, I maintain that it is full of sense. The Honourable Member from Meerut was not able to imagine the reasons for its circulation. There are two outstanding reasons for its circulation which would appeal to anyone. It will be acknowledged that this is not an ordinary law. It will not apply to anybody and everybody. It will apply only to those people who, under the present movement, have been doing that mischief, but that disease is not prevalent among all the sections of the railways. It may be found in some terrorist country where such an Act may prove of some use to Government. But to find out which are those sections

and in what places this Act should be applied can be done only by means of circulation. You must have the opinions of people to find out as to which part of the country this Act should be applied. The second reason why this Bill should be circulated is that this legislation must have some age; it should not be for all time. If an emergency has arisen and this legislation is required because of the civil disobedience movement, then let it be for some fixed period. I, therefore, submit that there is every justification for the circulation of this Bill and if the circulation is not going to be agreed to by Government, then there are clear reasons for throwing out this measure.

**Several Honourable Members:** The question may now be put.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Sir Joseph Bhore.

**Dr. Ziauddin Ahmad:** On a point of order, Sir. In a measure like this, I think full liberty ought to be given to the Members to express their views, because there is going to be a great departure in the procedure.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I thought everybody had spoken.

**Dr. Ziauddin Ahmad:** I want to speak.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member is quite welcome to speak.

**Dr. Ziauddin Ahmad:** Sir, any person, who would write the history of communications of the world in future, will have to begin a new chapter from the 7th February, 1933, on account of new departure we are making today. I have never seen in any regulations dealing with communications in any country that the breaches of those regulations are punishable with imprisonment: they are always punishable by fines. The present Bill is really a new departure in the history of the communications of the whole world. Before I develop my argument, I would like to narrate a story. A person lost his fowl and he was weeping and crying. His neighbours went to him and asked him why he was crying so much for the loss of only one fowl; they would compensate by subscription. Then he said: "It is not only the loss of the fowl for which I am weeping, but the Angel Gabriel has seen the house and we do not know what will happen tomorrow". I will tell you why I have given that story. I know it very well and my distinguished friend, Sir Joseph Bhore, also knows it equally well that the President of the Railway Conference recommended that if a person be found to be travelling without a ticket, he should be imprisoned. It was Sir George Rainy, for whom we have great admiration, who stood out, and never allowed a legislation of that kind to be moved in this House. I know, several representations have been made by various Railway Administrations for the incorporation of imprisonment for breaches of Railway rules. This measure is the first attempt to enlarge the scope of the Indian Penal Code by punishing the breaches of Railway rules by imprisonment. I first brush aside the argument that this Bill is brought in the name of law and order. I maintain that the pretence of "law and order" and the "non-co-operation movement" has



[Dr. Ziauddin Ahmad.]

been simply brought in to get the votes of certain individuals whose faith is that anything which is done in the name of law and order ought to be supported. If this legislation were necessary because of the civil disobedience movement, it ought to have been brought in as a temporary provision and not in the Railway Act, but in the Indian Penal Code. But this legislation is going to be a permanent one and is intended really to shelter the weak administration of the railway officers. What they cannot do by means of wise administration, they want to do by an alteration in the Indian Penal Code. May I ask, Sir, why the chains are provided for? Are they not provided for the comforts of the passengers? Or, are they provided to send the people to jails? If they are provided for the comfort of the passengers and they do not like to use them properly, then by all means take them away. Let them be put only in such compartments where they are most needed, like the First and Second Class compartments and in the Ladies compartments. If there is a sufficiently large number of cases where these chains have been misused, then take them away altogether as a provisional measure and see how the public takes it. My Honourable friend, Mr. Amar Nath Dutt, has asked me to calculate, but nobody can calculate without any data. No figures and facts are given to us. Neither the Honourable Sir Joseph Bhore nor any of the supporters of the Bill has made out any case. The only argument which the Honourable Member himself has advanced is that one man was found to have used the chain 11 times on a particular line in one month. If the officials had any humour about them, they would have at once removed the chain in that particular line and awaited for the results. Probably wiser counsel and public opinion would have stopped this thing for ever. If, however, this mania of pulling the chain had spread all over the railway lines, then there would have been some justification for a measure like this. In that case it ought to have been considered at the time of the amendment in the Indian Penal Code and not as an alteration in the Railway Act.

I would also like to point out another thing. If in the railway compartments you put notices that the penalty for the wrong use of the chain will be a fine of Rs. 50 and an imprisonment of six months, it will give room for propaganda against railway travelling. People who are against Government will misguide ignorant village people by preaching that if a man travels by rail, he will be imprisoned. Look into notices. The result will be that the uneducated villagers will give up travelling by rail and there will be a loss of revenue to Railways. Then this bad enactment will be followed by an Ordinance which is sure to be issued when people will carry on propaganda on these lines, and all these on account of the fact that the Honourable Members on the Treasury Benches have got no humour about them. They should have dealt wisely in one case and tried the experiment of removing the chain altogether and seen the salutary effect of that.

Many Honourable Members gave illustrations of definite cases. I will also give an illustration and I will take the case of the Bengal and North Western Railway which is so popular with the Treasury Benches, and so unpopular on this side. This particular line is famous for overcrowding the compartments; that is to say, a compartment intended for 10 passengers very often carries 20, and there are passengers to be found on the foot boards and also on the top of carriages. You know that

no railway servant was ever punished for this breach of the law, namely, allowing a compartment to be filled in with more passengers than the maximum. Though they have been deliberately guilty of forcing more people into a compartment, no penal or departmental step was ever taken. If anyone sees passengers travelling on the top of a carriage and intentionally pulls the chain to stop the train, will he or will he not be guilty, under the Act, of committing a crime? Certainly he has intentionally impeded the traffic and would certainly come under the purview of this particular provision. Therefore, cases like this would arise. Again, several cases have been quoted by my friend, Mr. Neogy, and my friend, Khan Bahadur Wilayatullah. I ask both of them whether they would have pulled the chain in those exceptional conditions had there been a notice in the compartment that they would be punished, not only with fine, but also with imprisonment which may extend to six months. I dare say that even in good cases they would probably refrain, because there they would not incur the risk. The very object of the existence of chains would have been lost.

Sir, I give one reason why we press for circulation. This particular thing is provided for the comfort of the people and not for the comfort of Railway Administration; and if the people themselves are not prepared to have them, you had better remove these chains altogether. Therefore, the right measure is to ask the people themselves whether they are prepared to have legislation on this particular subject or whether they can use their own moral force to stop the people from pulling these alarm chains. I think this is a point on which public opinion will be very valuable. If the measure is really intended to meet the Congress activities,—I very much doubt, whether it is the Congress activity,—the penalty of fine will really have more deterrent effect than sending them to jail. The Congress volunteers court imprisonment and they say that they have no means of subsistence in this world, but they find some kind of living in jail and hence they would welcome it. Therefore, I suggest that if a fine of Rs. 50 was not sufficient, I thought the first course for the Honourable Member was to increase the fine to Rs. 100 and not to make history.

It is the first occasion in the history of communications of the world that a breach of rules of communication would be punishable with imprisonment. I appeal to this House once more that we should not make ourselves the laughing stock of the world and we should not show to the world that our administration is so rotten that pulling the railway chain is punishable with imprisonment. Take a better view of the whole situation; if certain persons for a certain time lose their head, there ought to be other methods of meeting the situation instead of having a permanent enactment and creating a new precedent. With these words, I support the motion for circulation.

**Mr. N. N. Anklesaria** (Bombay Northern Division: Non-Muhammadan Rural): Sir, the amusing irrelevancies and the fantastic arguments addressed from the other side leave me absolutely unconvinced about the justification or the reason for this motion for circulation. I can understand a proposition for circulating a measure if there is any conceivable difference of opinion about the policy or the principle involved in a Bill. But so far as the policy or principle involved in this Bill is concerned, I submit there can possibly be no two opinions. Sir, every Honourable Member of this House and, I believe, every sane person in this country,

[Mr. N. N. Anklesaria.]

will agree with the proposition that attempts to paralyse the railway traffic must be dealt with, and dealt with firmly and effectively; and I ask, how can you deal with this offence firmly and effectively except by imposing a punishment which would really prove deterrent?

Sir, it has been said that this Bill will involve either the innocent or the inadvertent user of the chain, but a mere cursory glance at clause 2 of the Bill will convince anybody who has got the slightest knowledge of law that this is not the case. There is a very clear provision about intention of the accused person who is to be hauled up before a Court of law. Unless and until the prosecution proves that intention, the accused cannot possibly be convicted. Sir, I challenge the Honourable Members who have opposed this Bill to produce one single instance in which an innocent or inadvertent user of the chain has ever been punished; on the other hand, scores of instances are on record in which a clear attempt to paralyse railway traffic can be seen. And, I think, Sir, the section of the Railway Act which provided for punishment by fine only contained a serious lacuna, and, in the present circumstances of the country, Government would have been guilty of a serious dereliction of their duty if they had not tried to fill it up by this legislation.

It is said that it is an enactment to deal with a mere temporary evil. But I ask the other side if anybody on the other side can guarantee that the evil, which this Bill seeks to deal with, is only a temporary evil and not a permanent concomitant of human nature like all other evils dealt with under our penal laws which depend on human volition. It is said that ordinary experience shows that a man has simply to be brought up before a Magistrate and it has simply to be proved that he pulled the alarm chain so that the Magistrate can immediately convict him. That may be the experience of many of the Honourable Members who have spoken against the Bill, but that is an argument not against the law to be embodied in the Bill; that is our argument against the Magistrates who administer the law, and that is perfectly irrelevant to the present discussion. With these words, I support the motion of the Honourable the Railway Member.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, from the attitude of Honourable Members who have spoken on this Bill, it must be obvious by this time to the Honourable the Commerce Member that there is very strong opposition to this Bill and that it is not wholly groundless. I shall very briefly state for the consideration of the Honourable Member three objections which I see before me and, I am sure, that the Honourable the Commerce Member will pause before precipitating a division on his motion that this Bill be taken into consideration.

I understand and the Honourable the Commerce Member has made no secret of the fact that the primary object of this legislation is to cope with a nuisance connected with the civil disobedience movement. A very large number of cases are said to have occurred. I shall assume that those cases have occurred; but who were the offenders? The offenders in those cases were people connected with the civil disobedience movement and the pulling of chain was one of those acts which those who had launched on the civil disobedience movement resorted to for the purpose—I do not know what—, but they will say for the purpose of

bringing the Government into contempt or for paralysing the Government. If that was their intention, it was certainly not their intention to cause obstruction to traffic. Within the narrow limits of those terms, as will be presented by a lawyer and judged by the High Court, if the case went up before a High Court, and the Crown Counsel said "The accused in the dock had the intention of obstructing the traffic", and the accused in the dock said "My Lord, I have had no such intention at all: I had the intention of pulling this chain for the purpose of bringing the whole of your administration into contempt and, so far as possible, paralyse it. But I have the very best of wishes for traffic, and this is only one of the ways in which I can draw public attention to a grievance from which I and others, who think with me, suffer". Could any High Court say that this was his primary intention—to cause obstruction to the traffic? My friend, the Honourable the Law Member, will understand me that the criminal jurisprudence takes note of the primary intention, what is called the *mens rea*, and, if that primary intention was not to cause obstruction to traffic, it will cause a great deal of difficulty in the working of this section, and the difficulty would be enhanced by the fact that the offence being triable by any Magistrate and the punishment being for six months, the case would not go to the High Court except on revision. The ordinary forum for the hearing of appeals would be either a First Class Magistrate or a District Magistrate. That is the first question that you have to take into consideration. It is a highly technical objection, I grant, but, after all, we have to deal with all the objections that occur to us in connection with this Bill.

Now, the second point that has been made by several speakers from these benches is that in all countries—and I happen to know of at least half a dozen countries—the pulling of the communication cord for no sufficient cause is visited with a penalty of, say, £5 or Rs. 50 as it is the case here. It is regarded as one of those delicts for which this penalty is considered to be sufficient. I fully realise what the Honourable the Commerce Member said. He said: "We have cases on record where the penalty is not sufficiently deterrent, and, therefore, we wish now to enhance the penalty". I ask the Honourable the Commerce Member to consider for one moment this fact: if the penalty of fifty rupees was not sufficiently deterrent, should he not have for subsequent offences provided for enhanced penalty? In all the bye-laws and regulations—and this is more or less a railway bye-law which is going to be enacted—for all recurring and repeated violations of certain rules, for example, under the municipal law or in the various other laws, enhanced penalty is provided. For example, if you pull the cord for the first time, you pay fifty rupees; if you go to a gambling den for the first time and are caught, you are fined five rupees; but if you are caught again in the gambling den or pull the cord again, the penalty is raised to twice or thrice or four times the amount. But this Bill which proposes to raise *per saltum* the penalty from 50 rupees to the maximum of six months is, I think, far too drastic and, I think, unjustifiable in the circumstances of the case. The punishment must be deterrent, but it must not be vindictive. This borders on the vindictive when you provide a maximum punishment of six months. That is the second objection.

The third objection is the objection of gross and unfair inconvenience to the travellers. You must remember, Sir, that we have about 40,000 miles of railways in this country; and a man may be a resident, I will say, of Bombay, and he may be caught somewhere in the backwoods of Assam pulling the communication chain. Any railway servant—*vide* the

[Sir Hari Singh Gour.]

Statement of Objects and Reasons—a porter, fireman and, for the matter of that, any menial has got the right to arrest him without a warrant and detain him and hand him over to the nearest Magistrate for trial. He goes before the Magistrate and you have the evidence of the man on the spot that he has committed this offence of intentionally causing obstruction to traffic. Now, he is far from his home, thousands of miles away; he has not got the means of defending himself; and the result of that would be that, in a very large number of cases, instead of proceeding to his destination, his travel will be interrupted and a case launched against him. Now, if he had intentionally caused obstruction to the traffic, he deserves to be pulled up, and what is more, he deserves to be punished. But suppose some man,—and we have such men as jacks in office,—suppose such a man catches hold of him for no reason whatever, because the man is perhaps rude to him or he has got into the bad books of one of these menials at the railway station and says: “I catch you, because you have pulled the chain”,—of course, he pulled the train, that is perfectly right, but he pulled the cord for a reasonable cause and the menial says: ‘No, you have done it to obstruct the traffic’: then there is an altercation resulting in the man being seized and handed over to the magistracy for trial. He may be acquitted; if he is guilty, he will be convicted and then there is an end of it, but the danger of an innocent man being caught and handed over to the magistracy in cases of this kind by irresponsible railway servants is the danger which has to be guarded against, and I wish to ask as to what safeguard there is in this Bill against the frivolous and vexatious use of this Act by an irresponsible railway servant. And, that is what is at the back of the minds of many of my Honourable friends on this side. This may be used as an engine of oppression in the hands of an irresponsible railway servant, and some provision should be made against the abuse of the Act. I, therefore, think that the objections which have been raised, and which seem to me to be weighty, are worthy of consideration, and I would ask the Honourable the Commerce Member to let this Bill stand over till he has reflected upon the value of these objections and provided against them. It may be that by lobbying with some of the Members who have these apprehensions he may be able to overcome their apprehensions and that a *modus vivendi* may be reached, when the object of the Honourable the Commerce Member would be achieved and the reasonable apprehensions of Honourable Members on this side allayed. I do not think this is a Bill of sufficient importance upon which the Honourable the Commerce Member should make it a point of honour to precipitate a division either for the purpose of passing or for reference to a Select Committee. This is one of those measures in which my advice to the Honourable the Commerce Member will be *festina lente*, and I, therefore, think that the Honourable the Commerce Member will be ill advised in pushing on with this Bill. Now, it is a late hour, and I would ask the Honourable the Commerce Member to take time to consider as to how he can improve upon the various objections to which this Bill is subject.

The last point that was made by one Honourable Member which must not be dismissed from our sight is that the Bill has been drawn up in view of the civil disobedience movement. We had an *ad hoc* legislation in November last to deal with this movement. If this was one of the methods of disseminating civil disobedience, I should have thought that it would be made a part of the temporary measure. I do not think the

trouble would ever have grown to larger dimensions independently of the civil disobedience movement. The Railways have been in existence here for a long number of years, and it is only in connection with the civil disobedience movement that this Bill has become necessary. We hope that the civil disobedience movement has not come to stay and, if that be so, I do not see why this Bill should find a permanent place upon the Statute-book. All these are questions that require examination, and till that examination is made, I would ask the Honourable the Commerce Member not to hurry on with the Bill.

**Mr. S. O. Sen** (Bengal National Chamber of Commerce: Indian Commerce): Sir, I am sorry I have to oppose this Bill both as regards its being taken into consideration as well as the motion for circulation. I am really sorry that I have to move the rejection of the Bill which has been introduced by my friend, the Honourable the Commerce Member, for whom I have got the greatest respect. My objections are, firstly, that no case has been made out for the incorporation permanently in the Railway Act of a provision of this nature. The Honourable Member stated that there was a growing menace about the pulling of the communication cord in Railways. We have not heard of any. I remember that about a year and a half ago, during the early part of the civil disobedience movement, certain local trains,—and not mails or express trains,—between Bandel and Calcutta on the East Indian Railway were stopped by some persons, but since then I have not heard of any such cases. Probably the Honourable the Commerce Member will be able to give us more instances of the misuse of the pulling of the communication cord, but to my knowledge there are none, and, therefore, my first objection is that no case has been made out for the introduction of this measure.

Secondly, what is meant by this clause, namely, “if a passenger so makes use of or so interferes with such means of communication with the intention of obstructing traffic”? Now, the cord is there for obstructing traffic. Traffic has been defined in the Railways Act, and, therefore, the meaning of “obstructing traffic” will be with reference to such definition. Now, traffic here includes rolling stock of every description as well as passengers, animals and goods. Therefore, to obstruct traffic means to obstruct the rolling stock, namely, the train, etc. What is the cord there for? It is for the purpose of stopping the train, and for no other purpose. In case of emergency, you have to pull the cord for the purpose of stopping the train, so that the emergency may be met. Therefore, by introducing these words “with intent to obstruct traffic”, you do not provide a sufficient safeguard. The section might have been left alone as it is in the original section 108. No new ingredient has been introduced. That is my second objection.

Moreover, I find that this clause is likely to be misused by railway officials. Without this clause, people have been maltreated and the powers of the railway officials have been misused. I know of a case when a respectable pleader of the Police Court in Calcutta was travelling from Burdwan to Calcutta. A child fell down from one of the carriages and he had to pull the cord. The train stopped. He was hauled up before the Station Master of the next station, he was kept there, the train was allowed to go on, but he had to find somebody to stand surety for him, so that he could come at the time when a case might be instituted

[Mr. S. C. Sen.]

against him. Subsequently, certain correspondence ensued between him and the Railway Department and I claimed damages on behalf of that gentleman from the railway. The late Mr. Macnair, the then head of the firm of Messrs. Morgan and Co., who were solicitors to the East Indian Railway, sent for me and expressed regret. He got a letter from the Agent of the Railway expressing regret for the maltreatment of that gentleman. That is the sort of treatment that is meted out to the public apart from the Bill itself. Under these circumstances, after the Bill is passed into law, I do not know what will be the fate of any person who will think of honestly using the cord even for legal purposes.

Now, under section 131, you are trying to give power to railway officials to arrest a man and to keep him in custody. They won't look into the circumstances, whether they were reasonable or proper. They will simply take into consideration the fact that the cord has been pulled. That is the only thing for them and they will arrest the man. Sir, under these circumstances, I submit that this Bill ought to be thrown out until a further case has been made out by the Commerce Department for the provision of such a drastic measure and proper safeguards against abuse are provided.

**The Honourable Sir Joseph Bhoré:** I will refer, in the first instance, to the motion moved by my Honourable friend, Mr. Maswood Ahmad. I had hoped that it was by error that he had made this motion. (*An Honourable Member:* "No, it was deliberate.") I had thought that in the sheaf of motions of a similar character which he had put in on almost every Bill, which Government have presented to this House, this had crept in by mistake. But, evidently, I was wrong.....(*An Honourable Member:* "Obstructing the business of the House!")....., and I am afraid that I must oppose his motion. I cannot really and honestly conceive what purpose would be served by circulating this measure, and I would ask the House to accept the view, that if a measure is not circulated for any adequate reason, then it is merely a waste of public time and money. Now, the issue in this case is a perfectly clear and simple one, and it is this. Is not the stoppage of trains for the purpose of deliberately obstructing traffic objectionable? If it is, is it not reasonable that the magistracy should be allowed power to impose a heavier penalty than has hitherto been leviable, if we have found that that penalty in the past has not been sufficiently deterrent? Sir, that is a simple question, and I submit that the House is perfectly competent to come to a decision upon that point. Therefore, I must oppose the motion for circulation.

If the House is not satisfied with this measure, then by all means let it throw it out, but I do submit that, in view of the simplicity of the issue and the straightforwardness of the issue, there is no reason whatsoever for the Members of this House to seek for further inspiration from outside the four walls of this Chamber.

Turning to the merits and the arguments that have been advanced, my Honourable friend, Mr. Ranga Iyer, drew a very harrowing picture of what might happen to the Rajah of Kollengode if a child belonging to his party in a spirit of fun pulled the communication cord, and my Honourable friend, Mr. Maswood Ahmad, was very perturbed at the possibility of a curious villager being submitted, by reason of his curiosity,

to a severe sentence. Now, I am sure that my Honourable friends have entirely overlooked the fact which has been referred to by more than one previous speaker, that the burden of proof in this particular case rests upon the prosecution. I would submit that Honourable Members have not drawn the distinction that they should have drawn between an intention to stop a train and an intention to obstruct traffic. If I pull the communication cord, with the intention of stopping the train, I may be perfectly justified in doing so. If the Court holds that I am not justified, the Court may still hold that I have done so without due cause or reason, but that, in the circumstances of the case, it is not necessary to impose a deterrent sentence. But when the intention is deliberately to obstruct traffic, then, I submit, that a good case exists for a deterrent punishment such as we have proposed. I would like to make it perfectly clear that I have nowhere in any of the speeches that I have made here suggested that this legislation is in consequence of the civil disobedience movement. My Honourable friend, Mr. Mitra, contended that the obstruction of traffic in this way was not part of the civil disobedience movement. Well, then, I submit, if that is so, and if instances have occurred, that is the most conclusive reason for placing this bit of legislation permanently on the Statute-book.

**Dr. Ziauddin Ahmad:** Will you give some statistics of these instances?

**The Honourable Sir Joseph Bhoré:** In regard to statistics, I would bring to the notice of the House that when I quoted the fact that in a single month a single individual on a certain railway had been guilty of pulling the cord eleven times, I was merely giving one single instance. The latest figures, that I have, deal with August 1932, and I find that in that one month there were no less than eight such cases. (*Mr. Gaya Prasad Singh*: "Only eight cases?") And I find during a past period of eighteen months, there were over 140 to 150 cases. Of course, in some of these cases I have no doubt that the pulling of the communication cord was possibly justified, because it is impossible at this date to get full and complete details in regard to each particular case.

**Mr. N. M. Joshi** (Nominated Non-Official): What is the average number of cases in past years?

**The Honourable Sir Joseph Bhoré:** I am not in a position to say, but I know this that the railway managements have said that this evil was not existent to any serious extent in the past.

Turning now to my Honourable friend, Mr. Neogy, I am afraid that in his somewhat heated manner he attempted to discover rather far fetched reasons against this Bill. His first complaint was that my speeches were short. May I point out to the Honourable Member that there may be certain individuals who may be able to say what they have to say in five minutes, whereas other individuals may take an hour to say nothing, and I have too much regard for Members of this House to waste their time unnecessarily. Then, my Honourable friend asked if it was necessary to provide special penalties for this new offence under section 108 of the Railway Act why it was not necessary to provide similar penalties under section 121, that is, for the wilful obstruction or impeding



[Sir Joseph Bhore.]

of a railway servant in the discharge of his duty. My reply to that is this—that our experience has not shown that offences under section 121 have been sufficiently numerous for us to ask for a deterrent punishment.

**Mr. K. C. Neogy:** Is the Honourable Member in a position to give us the number of cases under that section?

**The Honourable Sir Joseph Bhore:** I am not in a position to do so, but I naturally assume that there has not been any large number of cases under this section as railway administrations have not thought it necessary to ask us to provide for a severer punishment. Then, Sir, with regard to section 102, my Honourable friend asked me to apply the principle of reciprocity. There, again, if I were aware of the existence of reasons rendering it necessary to tighten up this section, I should be perfectly willing to consider the point.

**Mr. K. C. Neogy:** You will never realise that, because it affects your own men.

**The Honourable Sir Joseph Bhore:** I am not disposed to defend my own men against any just accusation that may be brought against them. I would point out that section 102 refers to the compelling of or attempting to compel or causing any passenger to enter a compartment and I think it is for that reason possibly, because of the element of compulsion, that private individuals have not been able to launch successful prosecutions, but, in any case, if my Honourable friend were in a position to satisfy me by reason of the cases that had occurred and been successfully prosecuted in the Courts that some tightening up of this section was required, I should be most ready to consider it.

Then, Sir, it has been suggested that there might be a provision for a graduated scale of punishment in such cases. With all due respect to my Honourable friend who made this suggestion, I would point out that it might well defeat the whole object of the legislation we are undertaking. The deterrent effect lies in the fact that the intending offender does not know what penalty may be imposed upon him. He merely knows the maximum and, I submit, that the whole deterrent effect of this section would be removed if the suggestion put forward by my Honourable friend were accepted. But, from the speeches delivered in the House today, I realise that there is a great deal of feeling in regard to clause 3 of the Bill. Instances have been given in which Honourable Members themselves have pulled the communication cord. I am not able to see exactly the relevancy of those instances, because I understand that in almost every case those gentlemen pulled the communication cord with impunity. At any rate they were not punished, nor were they put to any trouble in consequence. At the same time I do feel that there is a considerable amount of apprehension in regard to clause 3 which gives the power to the police or to railway servants to arrest without written orders or without warrant. If there is any general feeling in this House in respect of that clause, though I think it is rather dangerous for us to drop it, I would be perfectly willing to meet my Honourable friends opposite and accept a motion to delete clause 3. But, Sir, in that case I must ask that the rest of the Bill be accepted as it stands.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1933."

The motion was negatived.

**Mr. M. Maswood Ahmad:** It is going to be five o'clock . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): There has been a very full and fair discussion of the merits of the Bill and if I allow the Honourable Member now to move his motion for the Select Committee, I cannot allow him to repeat the arguments and go into the merits of the Bill again.

**Mr. M. Maswood Ahmad:** Sir, I move:

"That the Bill be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Joseph Blore, Mr. J. Ramsay Scott, Mr. N. M. Joshi, Lala Rameshwar Prasad Bagla, Raja Bahadur G. Krishnamachariar, Mr. Amar Nath Dutt, Mr. Gaya Prasad Singh, Mr. T. N. Ramakrishna Reddi, Mr. S. C. Mitra, Dr. Ziauddin Ahmad and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I find that there is a competition for this panicky legislation in all the legislatures of the country. I find that every province is trying to have some legislation of this kind. Amongst Members who are habitual supporters of the Government I find that there is a competition to support this measure and now I find that in Treasury Benches there is a competition to have these measures. We must be prepared for some such legislation from the Labour Member as well. As you have just now pointed out, we have discussed this measure very fully. So I do not want to take up the time of the House, but there are three or four points which we can discuss in the Select Committee. One is the life of the Bill. The other is, whether the fine should be enhanced to Rs. 100 or Rs. 500. The third is whether the imprisonment should be for six months, three months, or not at all. These are questions which we can very well discuss in the Select Committee instead of discussing them on the floor of the House. There is also the point as to where the accused will be tried. If he is tried in a locality which is very far from his own place, then it will be very difficult for him to get the necessary help for defence. These are the few points which we can discuss in the Select Committee. For this reason, I move that the Bill be referred to a Select Committee.

**Kunwar Hajee Ismail Ali Khan** (Meerut Division: Muhammadan Rural): I propose that the name of Kunwar Raghubir Singh be added to the Select Committee.

**Mr. M. Maswood Ahmad:** I have no objection in accepting that, but you have ruled that no names should be added after the motion has been moved. I leave it to the House to decide. I personally have no objection.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I ruled yesterday that this practice should be very strongly deprecated. I take it that the Honourable Member's party was consulted by Mr. Maswood Ahmad.

**Dr. Ziauddin Ahmad:** In this particular case, the leaders were not consulted. The addition may be allowed as a special case.

**Kunwar Hajee Ismail Ali Khan:** Sir, I proposed the name of Kunwar Raghbir Singh, because there was not a single Member from my Party for the Select Committee. (*Voices:* "Certainly." "Yes.")

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The question is:

"That the name of Kunwar Raghbir Singh be added to the list of members of the Select Committee."

The motion was adopted.

**The Honourable Sir Joseph Bhoré:** Sir, I do not wish to make a long speech. I merely want to invite my Honourable friend to withdraw his motion for referring this Bill to a Select Committee. I think I have, in agreeing to meet my Honourable friends opposite in regard to clause 3, taken away what I hold to be the most contentious part of this measure. It was quite open to my Honourable friend to have put in a motion, if he thought that six months' imprisonment should not have been entered in clause 2. and to have tabled a definite amendment giving effect to his view; but, having gone so far to meet my Honourable friend, I do hope that he will not press his motion. I think that there is very little, after clause 3 has been omitted, for us to discuss in Select Committee. I would, therefore, ask my Honourable friend not to press his motion.

**Mr. M. Maswood Ahmad:** Sir, I want merely to say that this matter should be postponed so that we may discuss it with the members of our Party as to whether we should be satisfied with the suggestion that only clause 3 should be omitted or whether we should press for this motion which has been moved. It is now over five, and so I would request you, as well as the Honourable the Railway Member, not to press this point today, so that we may get a chance of discussing it with the members of our Party. and with members of other Parties.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 8th February, 1933.





## LEGISLATIVE ASSEMBLY.

*Wednesday, 8th February, 1933.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### ASSOCIATION FOR MR. SARAT CHANDRA BOSE, A STATE PRISONER AT JUBBULPORE.

251. **\*Mr. S. C. Mitra:** Will Government please state if any steps have been taken to provide association for Mr. Sarat Chandra Bose who is a lonely State Prisoner at Jubbulpore? If so, when and how?

**The Honourable Sir Harry Haig:** The matter is under consideration and it is hoped that a decision will be reached at an early date.

#### DISCHARGED APPROVED CANDIDATES OF THE CALCUTTA GENERAL POST OFFICE.

252. **\*Mr. S. C. Mitra:** Will Government be pleased to state:

- (a) if it is a fact that many "approved candidates" were discharged from service in the Calcutta General Post Office, by June 1932;
- (b) if so, what was their number and for how many years did they generally serve the department;
- (c) how many of such "approved candidates" have been provided in the lower division posts in Calcutta General Post Office, since June, 1932;
- (d) whether many posts in the Calcutta General Post Office were kept vacant for more than three years since 1927;
- (e) whether many outsiders like the officials of the Central Telegraph Office (Calcutta) and the Post Master General's Office have been brought in to fill up the vacancies of the Calcutta General Post Office during the years 1930—32; if so, what their respective number is;
- (f) whether Government are aware of the extreme hardship to which the discharged approved candidates and their families have been put on account of their present unemployment;
- (g) when these discharged candidates are likely to be provided with appointments;
- (h) whether Government propose to show some special consideration so far as their reappointments are concerned, and what the policy proposed and followed by Government in the matter of their reappointments is?

**Sir Thomas Ryan:** Information is being collected and will be laid on the table of the House in due course.

**BENGAL DETENU MR. SATINDRA NATH SEN.**

253. **\*Mr. S. C. Mitra:** (a) Is it a fact that Mr. Satindra Nath Sen, a Bengal detenu, so long confined in the Ajmer Central Jail, has been transferred to the Gujrat District Jail in the Punjab?

(b) Is it a fact that the said Mr. Sen was X'rayed in the Victoria Hospital, Ajmer, and that his left lung was reported to be affected with tuberculosis?

(c) If so, why was the transfer made in view of the very precarious state of his health?

(d) Is it a fact that the Honourable the Home Member to the Government of India saw Mr. Sen before his transfer, and why?

(e) Did not Mr. Satindra Nath Sen ask Government, through the Superintendent of the Deoli Detention Jail, so late as August, 1932, to have him X'rayed so as to diagnose whether he was suffering from tuberculosis?

(f) If the answer is in the affirmative, why was the X'ray treatment delayed so long?

(g) What arrangements have Government made for the proper treatment of the prisoner?

(h) Has not Mr. Sen been suffering from Anaesthesia in the left leg for a long time? Is he having fever now?

(i) What is his present weight, and what was his weight when first arrested under the Bengal Ordinance in January 1932?

(j) Are Government prepared to consider his transfer to a place where he can be better treated? If not, why not?

(k) What is the present nature of his treatment?

**The Honourable Sir Harry Haig:** (a) Yes.

(b) Mr. Sen was examined by X'rays in the Victoria Hospital, Ajmer, but no disease was apparent.

(c) Does not arise.

(d) I happened to see Mr. Sen when I was visiting the Ajmer Jail.

(e) I have no precise information, but would invite the Honourable Member's attention to the reply which I gave to part (b) of his question.

(f) Does not arise.

(g) and (k). He is in the care of the Civil Surgeon.

(h) I understand that he has complained of suffering for the past two years from partial Anaesthesia in a small area of the left thigh. He has no fever.

(i) 100 lbs.; this is an increase of 1 lb. since his admission to the jail in which he is now confined. I have no information as to what he weighed at the time of his arrest.

(j) I have no reason to suppose that his present treatment is unsuitable. The question of transfer, therefore, does not arise.

**ALLEGATIONS AGAINST THE INCOME-TAX DEPARTMENT OF CALCUTTA.**

254. **\*Mr. S. C. Mitra:** (a) Has the attention of Government been drawn to a paragraph that appeared in the issue of the 3rd December, 1932, of the *Advance*, a Calcutta daily, stating that the Income-tax Department in Calcutta is sending out bands of 'plain-clothes men' who go about from house to house for collecting all sorts of information for the purpose of checking income-tax returns?

(b) Will Government be pleased to say if the method is approved by them?

(c) If not, are Government prepared to inquire into the matter and place the result of the enquiry on the table of the house?

**The Honourable Sir George Schuster:** I have called for a report on the matter referred to and will lay a statement on the table in due course.

**QUANTITY OF BELTING PURCHASED BY THE INDIAN STORES DEPARTMENT AND BY THE RAILWAY BOARD.**

255. **\*Mr. S. C. Mitra:** Will Government be pleased to state:

(a) what quantity of belting has been purchased by the Indian Stores Department and by the Railway Board for the last five years;

(b) what quantities they have purchased from Indian manufacturers;

(c) how many Indian factories manufacture belting in India; and

(d) whether Government have considered the question of granting any immediate protection to the industry, and, if so, with what result?

**The Honourable Sir Frank Noyce:** (a), (b) and (c). Information relating to parts (a) and (b) so far as the Indian Stores Department is concerned and in respect of part (c) is being collected and a statement will be laid on the table in due course. Purchases of belting are not made by the Railway Board, but by the individual railways, and I am informed that particulars of the quantities purchased by the latter are not readily available and the work involved in the collection of this information would not be commensurate with its utility.

(d) No.

**BENGAL STATE PRISONERS IN THE MADRAS PRESIDENCY.**

256. **\*Mr. S. C. Mitra:** (a) How many State Prisoners of Bengal, under Regulation III of 1818, are being detained at present, in various jails in the Madras Presidency?

(b) What are the names of persons and jails in which they are detained respectively and what is the condition of their health?

**The Honourable Sir Harry Halse:** (a) Eight State Prisoners from Bengal are confined in jails in the Madras Presidency.

(b) I am not prepared to give detailed information about them, but the general state of their health is satisfactory.



**DIET ALLOWANCE OF BENGAL STATE PRISONERS IN THE MADRAS PRESIDENCY.**

257. \***Mr. S. C. Mitra:** (a) On what basis has the diet allowance of the State Prisoners of Bengal in different jails of the Madras Presidency been fixed at Rs. 1-4-0 per diem?

(b) Is it not a fact that the opinion of the local authorities, namely, the Superintendents of the Central Jails of Vellore, Cannanore, Trichinopoly, Rajahmundry and also the Collectors of the districts concerned were invited before definitely fixing the rate of the same, within the term of reference which was to vary from Rs. 1-4-0 to Rs. 2 per diem?

(c) Is it not a fact that all the Superintendents concerned in the Madras Presidency recommended invariably a rate of allowance higher than Rs. 1-4-0 while the Superintendent of the Cannanore Jail recommended Rs. 2 *per diem* as the minimum allowance and that he was universally supported in this by the official and non-official visitors alike?

(d) What were the special reasons that actuated Government in fixing the rate of their diet allowance not according to the recommendations of those responsible authorities on the spot?

**The Honourable Sir Harry Haig:** (a) The dietary allowance of Rs. 1-4-0 was fixed with reference to local conditions and the price of food-stuffs.

(b) and (c). I am not aware that the authorities mentioned by the Honourable Member were consulted by the Local Government. The allowances were sanctioned by the Government of India on the recommendation of the Government of Madras. The Inspector General of Prisons was consulted by the Local Government.

(d) Does not arise.

**Mr. S. C. Mitra:** May I know, Sir, whether the representation made by the President of the European Association in Calcutta as regards the allowance being excessive, was taken into consideration by the Government while reducing this dietary allowance?

**The Honourable Sir Harry Haig:** I have said in my answer that the allowance was fixed with reference to local conditions and the price of food-stuffs. I do not think those two factors include a resolution by the European Association.

**Mr. S. C. Mitra:** What I was referring to is this: A claim has been made by Mr. Morgan, the President of the European Association, that they represented to Government that the dietary allowance was excessive. May I know if Government took into consideration that fact when they revised the dietary allowance?

**The Honourable Sir Harry Haig:** I imagine that the Government fixed the dietary allowances with due regard to what was necessary and not with regard to any representation from the European Association.

**Mr. N. M. Joshi:** May I ask, Sir, whether there is any difference between the European Association and the Government of India?

**The Honourable Sir Harry Haig:** In what respect, Sir?

**Mr. N. M. Joshi:** In settling the policy and also in taking administrative action.

**The Honourable Sir Harry Haig:** Is it suggested, Sir, that the European Association ought to be occupying these Benches . . . .

**Mr. N. M. Joshi:** I am asking a question, Sir, and not making a suggestion.

**The Honourable Sir Harry Haig:** The answer must be in the negative; or rather in the affirmative, I think. (Laughter.) The question was whether there was a difference. The answer is, there is.

#### MEDICAL TREATMENT OF STATE PRISONERS IN THE MADRAS PRESIDENCY.

258. **\*Mr. S. C. Mitra:** (a) What provision have Government made for the medical treatment of the State Prisoners in the Madras Presidency?

(b) Is it a fact that no medical grant has been allotted either per head or collectively for the said State Prisoners? If not, why not?

(c) Which is the final authority at present in charge of matters dealing with the said State Prisoners?

(d) Have the local authorities, namely, the Jail Superintendent, the Inspector General of Prisons, or the Madras Government any discretion in the matter or is it that the Government of India are to be approached directly in every case and for every specific grant in respect of the State Prisoners?

**The Honourable Sir Harry Haig:** (a) and (b). For ordinary ailments State Prisoners are treated by the medical officers of the jail and no separate grants for their medical treatment are made or are required.

(c) The Government of India.

(d) For normal cases medical attendance and medicines are available in the jail itself. Any special expenditure, which it may be necessary to incur, requires the sanction of the Government of India, but Local Governments are authorised to anticipate sanction in urgent cases.

#### STATE PRISONER MR. RAMESH CHANDRA ACHARYA.

259. **\*Mr. S. C. Mitra:** (a) Is it a fact that State Prisoner Sj. Ramesh Chandra Acharya had to suffer for a long time before his final operation in August, 1932, for chronic appendicitis in the Coimbatore Central Jail, owing to the local authorities having no discretionary powers in medical matters regarding State Prisoners?

(b) Is it a fact that the same State Prisoner was suffering from eye troubles and that it took over six months to get his eyes examined?

(c) Is it a fact that though a pair of spectacles have been prescribed by medical authorities and sanctioned, it has not been supplied as yet?

(d) Is it a fact that the local authorities are not vested with any discretionary powers even in medical matters? If so, what are the special reasons for it?

**The Honourable Sir Harry Haig:** (a) The facts are not as suggested by the Honourable Member. As soon as it was considered that X-ray examination was desirable, the State Prisoner was transferred to Coimbatore Jail, and as a result of this examination an operation was performed, from which he made a rapid recovery.

(b) and (c). I have no information to suggest that the facts are as stated, but will bring the Honourable Member's question to the notice of the Local Government. One pair of spectacles was sanctioned for this State Prisoner in July last. At the end of November, the Local Government reported that this pair did not suit him and, on the 5th of December, sanction was communicated to the purchase of a new pair.

(d) I would refer the Honourable Member to the answer I have already given to his earlier question on this point.

#### HEALTH OF STATE PRISONERS IN THE CANNANORE CENTRAL JAIL.

260. **\*Mr. S. C. Mitra:** Is it a fact that the general health of the State Prisoners of the Cannanore Central Jail has not been satisfactory and the climate does not seem to suit them properly? If so, do Government contemplate transferring them to some other suitable jail?

**The Honourable Sir Harry Haig:** The latest medical reports show that the general health of the prisoners is good. The second part of the question does not arise.

#### CONCENTRATION OF ALL STATE PRISONERS IN ONE PARTICULAR JAIL.

261. **\*Mr. S. C. Mitra:** Do Government now feel the necessity of, or, have they any policy in contemplation regarding, concentrating all those State Prisoners detained in different jails, to one particular jail or camp inside the province or outside it, along with other State Prisoners scattered in different jails in different provinces?

**The Honourable Sir Harry Haig:** The answer is in the negative.

#### TRANSFER OF THE LAHORE CONSPIRACY CASE PRISONERS TO THE ANDAMANS.

262. **\*Mr. S. C. Mitra:** (a) Is it a fact that all the political life prisoners of the Lahore Conspiracy Case in the different jails of the Madras Presidency have been under orders of transportation to the Andamans?

(b) Has also the same order been temporarily postponed, pending the appearance of some of them as witnesses in the Lahore Conspiracy Case?

(c) If so, when are they going to be sent to Lahore and to the Andamans?

**The Honourable Sir Harry Haig:** (a) Government have sanctioned the transfer to the Andamans of five terrorist prisoners convicted in the Lahore Conspiracy Case.

(b) No.

(c) The prisoners have already been sent to the Andamans.

**PERSONS CONVICTED FOR TERRORIST ACTIVITIES.**

263. **\*Mr. S. C. Mitra:** (a) Will Government please state the total number of persons, male and female, convicted for terrorist activities, up to date, province by province?

(b) How many political convicts have been sent to the Andamans between January and October, 1932, and since then up till now?

(c) What are the names of the persons so transported, nature of their offences, terms of imprisonment and dates of transportation, province by province?

(d) Are there any female convicts among them? If so, how many? What are the names of the transported female political convicts and their residences?

(e) What special arrangements, if any, have been made for female political convicts on board the steamer or in the Andamans?

(f) Is it not a fact that several of the political convicts, prior to their transportation, were classified and treated as "B" class prisoners? How are they being treated in the Andamans now?

(g) Of the political convicts in the Andamans, how many are "B" class and how many are "C" class prisoners at present?

**The Honourable Sir Harry Haig:** (a) I have asked Local Governments for information regarding the number of persons convicted for terrorist activities during the last three years and will lay it on the table when received.

(b) 25 prisoners connected with terrorist crime were sent to the Andamans between January and October, 1932, and 50 more have been sent since then.

(c) I regret I am not prepared to furnish these particulars.

(d) No.

(e) Does not arise in view of the reply to part (d).

(f) Yes. I would refer the Honourable Member to the reply which I gave to part (d) of Mr. Bhuput Sing's starred question No. 294 on the 16th September last.

(g) 37 "C" class and 38 "B" class.

**TRANSFER OF FURTHER BATCHES OF TERRORIST PRISONERS TO THE ANDAMANS.**

264. **\*Mr. S. C. Mitra:** (a) Do Government contemplate to send more batches of political prisoners convicted for terrorist activities or otherwise, immediately or in the near future, to the Andamans?

(b) If so, will Government please state their names—province by province—and the probable date of their departure? Are there any female political prisoners among them? If so, will Government please state their names, nature of their offence and residence?

**The Honourable Sir Harry Haig:** (a) Government have accepted the general principle that prisoners convicted of terrorist crime should be liable to be sent to the Andamans and will consider on their merits any proposals to that end that may be submitted to them by Local Governments. The transfer of a further batch of 25 terrorist prisoners from Bengal has been sanctioned.

(b) I am not prepared to furnish details beyond stating that no female convicts are included among them.

**Mr. K. Ahmed:** In view of the fact that Government will have to release these prisoners sooner or later before the next election, do Government propose, for the sake of the Finance Member's policy of observing economy, that further debts should not be incurred unnecessarily and that the Government of India should not float any more loans on this account?

**The Honourable Sir Harry Haig:** I am afraid I cannot accept the premise on which this elaborate argument appears to have been founded, the premise being that the Government will have to release prisoners, convicted of terrorist crime, at an early date.

#### TRANSPORTATION OF FEMALE POLITICAL PRISONERS TO THE ANDAMANS.

265. **\*Mr. S. C. Mitra:** (a) Will Government be pleased to state whether the responsibility of the policy or step taken by Government in transporting the female political prisoners to the Andamans rests with the Government of India or the Secretary of State for India?

(b) Have Government considered whether the female prisoners could be accommodated with safety and impunity in provincial jails in India?

**The Honourable Sir Harry Haig:** (a) The policy has the approval of the Secretary of State for India.

(b) I would refer the Honourable Member to the reply which I gave to Rai Bahadur Sukhray Roy's starred question No. 1249 on the 16th November last. No female terrorist convicts have so far been sent to the Andamans.

#### PERIOD REQUIRED TO BE SERVED BY LIFE PRISONERS.

266. **\*Mr. S. C. Mitra:** (a) Will Government be pleased to state how many years, according to the usual law, code or custom, ordinary life-prisoners are required to serve, before they are released?

(b) Is there any difference made between ordinary life-prisoners and political life-prisoners?

**The Honourable Sir Harry Haig:** (a) The Honourable Member's attention is invited to my predecessor's replies to part (a) of Bhai Parma Nand's questions Nos. 18 and 622 of the 7th and 22nd September, 1931, respectively.

(b) No.

#### DISBURSEMENT OF MONEY DEPOSITED IN POST OFFICE SAVINGS BANKS BY DECEASED DEPOSITORS.

267. **\*Bhai Parma Nand:** Will Government be pleased to state:

(a) how the money deposited in Post Office Savings Banks is disbursed to the rightful heirs of deceased depositors if it is not claimed by anybody even after five years of the monetary transactions having been suspended, and

(b) the number of such cases where the money has been lying undischursed with monetary transactions suspended for five years in Post Office Savings Banks?

**Sir Thomas Ryan:** (a) The money is not disbursed until claimed by somebody who can prove his title to it.

(b) The information is not available and it is not feasible to collect it.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if the Postal Department have issued any notices to those persons whose money is still lying in these savings banks?

**Sir Thomas Ryan:** I am afraid I cannot say definitely, but I think it is not the practice to issue notices. People who have deposited money in the post offices presumably know what the state of their account is.

**Mr. Lalchand Navalrai:** The Honourable Member may be aware that many of the depositors have died leaving females or children as their heirs and their money is still lying there. Is it not proper that the department should make certain efforts to see that the money reaches those people, so that it may not be forfeited?

**Sir Thomas Ryan:** I am afraid I am rather a recent recruit to the Postal Department and do not know the procedure in all its details. But I shall certainly examine the point which the Honourable Member has raised and see if I can do something to meet it.

**Mr. Lalchand Navalrai:** If the Honourable Member is pleased to issue a circular to all the post offices . . . .

**Sir Thomas Ryan:** I cannot promise the precise measure to be taken, but I shall certainly examine the suggestion.

#### POPULARISATION OF THE SALE OF THE LEGISLATIVE ASSEMBLY DEBATES.

268. **\*Bhai Parma Nand:** (a) Will Government be pleased to state the names of Government-owned public libraries which have been purchasing copies of the reports of the Legislative Assembly regularly for the last three years?

(b) If the number of such public libraries be small in different provinces, do Government propose to take steps for the popularisation of the sale of these proceedings, so that the original view-points of the accredited representatives of the Government of India may be within easy reach of the public?

**Mr. G. S. Bajpai:** With your permission, Sir, I shall reply to questions Nos. 268 and 269 together. Government regret that they are unable to supply the information asked for by the Honourable Member, as its collection will entail an expenditure of time and labour which will not be justified by the results.

#### ISSUE OF BOOKS FROM LIBRARIES OF GOVERNMENT HIGH SCHOOLS TO THE MEMBERS OF THE PUBLIC.

†269. **\*Bhai Parma Nand:** (a) What is the number of libraries of Government High Schools within the jurisdiction of the Central Government from which books are duly issued to the members of the public by Head Masters?

(b) In which province or provinces is this the case?

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†For answer to this question, see answer to question No. 268.

**Dr. Ziauddin Ahmad:** But part (a) of question No. 268 wants to know the number of libraries in Government High Schools within the jurisdiction of the Central Government. That information could easily be supplied.

**Mr. G. S. Bajpai:** Yes, Sir; but part (b) of the question goes on to ask what is the number of such libraries in the provinces. I took the precaution of ascertaining from the Honourable Member what he meant by provinces, and he said, the Local Government's provinces. That is why I gave this answer.

**Dr. Ziauddin Ahmad:** But the answer to part (a) can surely be given.

**Mr. G. S. Bajpai:** The question really relates to the whole of India and that is why I gave this answer. But if my Honourable friend wants information about the minute area administered by the Government of India, I am willing to undertake the inquiry.

#### PERCENTAGE OF EXPENDITURE ON MUNITIONS AND AMMUNITIONS MANUFACTURED IN INDIA AND THOSE PURCHASED FROM OUTSIDE.

270. **\*Bhai Parma Nand:** Will Government be pleased to state the percentage of expenditure out of military funds on munitions and ammunitions manufactured in India and those purchased from outside?

**Mr. G. R. F. Tottenham:** Practically 100 per cent. of the articles generally known as lethal stores, such as guns, rifles, machine guns, ammunition and bayonets are manufactured in India. Aircraft and mechanical vehicles are imported. In 1931-32, about 63 per cent. of the Army's medical stores were manufactured or purchased in India and about 72 per cent. of other stores, such as clothing, food stuffs, constructional material, oils, paints, greases and petrol. I am unable to say what proportion of the stores purchased in India was manufactured abroad.

#### AMOUNT CHARGED UPON THE INDIAN TREASURY FOR PAYMENTS TO SOLDIERS IN THE BRITISH ARMY.

271. **\*Bhai Parma Nand:** Is it a fact that the soldiers in the British army are paid their salaries at the rate of one shilling four pence a rupee while the rate of exchange fixed by the Government of India is one shilling six pence a rupee? If so, what is the estimated amount charged upon the Indian treasury in addition to what would have been the ordinary expenditure at the fixed rate of exchange?

**Mr. G. R. F. Tottenham:** The pay of British soldiers in India is based on the Royal Warrant sterling rates. These rates were converted at 1s. 4d. to the rupee for men serving in India on or before August 2nd, 1920, and at 2s. to the rupee *plus* an allowance of 50 per cent. for those who arrived in India after that date. In either case, the effect is to preserve the tradition that the British soldier should receive one anna for every penny of his British pay. The difference between converting at this rate and converting at 1s. 6d. to the rupee amounts to about Rs. 54½ lakhs; but it is hardly correct to regard this as 'extra expenditure'. If the conventional method of expressing Royal Warrant rates in rupee currency were abandoned, it would be necessary to supplement the pay of British soldiers, as in the case of all other ranks of the British Army in India, by an Indian allowance of an equivalent amount.

**Dr. Ziauddin Ahmad:** May I ask, whether the money is paid in sterling or in rupees?

**Mr. G. R. F. Tottenham:** In rupees, Sir.

**Dr. Ziauddin Ahmad:** Then, is the salary fixed according to a ratio or according to the fixed ratio of 1s. 6d. or 2 shillings?

**Mr. G. R. F. Tottenham:** I have explained how the actual conversion takes place. The pay is fixed on the Royal Warrant rates, that is to say, the rates which the British soldier receives in England.

**Dr. Ziauddin Ahmad:** But the pay is fixed in sterling?

**Mr. G. R. F. Tottenham:** The pay is fixed in England and it is converted at a certain rate and paid to the soldier in this country in rupees.

**Dr. Ziauddin Ahmad:** Why is a different rate allowed? We have a law now that one rupee is equal to 1s. 6d. Why should it not be applied in every case?

**Mr. G. R. F. Tottenham:** I have attempted to explain in my answer that this arrangement is made in the case of British soldiers as a matter of convenience. Instead of paying them, as we pay officers of the British army, their sterling rates of pay *plus* an Indian allowance, we give that Indian allowance to the British soldier in this country in the form of an exchange of 1s. 4d. instead of 1s. 6d.

#### DISTRICT BOARD HIGH SCHOOL AT MEHRAULI.

272. **\*Bhai Parma Nand:** (a) Is it a fact that in the High School at Mehrauli (Delhi Province) the same Head Master has been kept for the last twelve years?

(b) Are Government aware that the educational condition of that school has been very unsatisfactory and that all along complaints have been made against the work of that Head Master?

(c) Is it a fact that on the 31st October, 1932, all the students of the ninth class went on strike on account of inefficiency and ill-treatment of the Head Master?

(d) Is it a fact that a large number of boys from Mehrauli and the neighbouring villages have come to Delhi for education finding the school at Mehrauli very inefficient?

(e) Will Government please lay on the table a statement as to:

(i) the number of candidates that appeared and the number of successful candidates from that school for the last eleven years,

(ii) the number of boarders, both Hindus and Muhammadans,

(iii) the arrangement for food of both Hindu and Muhammadan boarders, and

(iv) whether the number of boarders, Hindus and Muhammadans, has been increasing or decreasing during the last eleven years?

(f) Is it a fact that the District Board of Delhi have passed resolutions for the transfer of the Head Master and that these resolutions have been ignored?

**Mr. G. S. Bajpai:** (a) The High School at Mehrauli is not a Government institution, but is maintained by the District Board, Delhi. This



body has no other high school and, consequently, the transfer of the Headmaster is impracticable.

(b) The educational condition of the school has not always been unsatisfactory. Complaints have, from time to time, been made against the work of the Head Master and were duly enquired into. The defects complained of are largely attributable to the low scale of the salaries of the staff. The salaries were last revised in January, 1930.

(c) The students of the 9th class absented themselves in a body from the school for a couple of hours or so on the date mentioned by the Honourable Member. On enquiry it was found that this was not due to the inefficiency or conduct of the Headmaster.

(d) Government have no information on this point.

(e), (i), (ii) and (iv). A statement giving the required information is laid on the table.

(iii) Till April, 1921, there was a common kitchen for both Hindu and Muhammadan boarders, but from May, 1921, separate kitchens have been provided.

(f) Yes, but in view of the reply given to part (a) above, Government are unable to take any action on the resolutions in question.

| Year.       | Number of candidates that appeared at the High School or S. L. C. Examination. | Number of candidates who passed the High School or S. L. C. Examination. | Number of boarders. |          | Increase or decrease in the number of boarders. |          |
|-------------|--|--|---------------------|----------|---|----------|
|             |  |  | Hindus.             | Muslims. | Hindus.   | Muslims. |
| 1921-22 . . | 14   | 8  | 23                  | 10       | ..  | ..       |
| 1922-23 . . | 18   | 2  | 20                  | 9        | —3  | —1       |
| 1923-24 . . | 19   | 10   | 21                  | 8        | +1  | —1       |
| 1924-25 . . | 11   | 5  | 12                  | 8        | —9  | ..       |
| 1925-26 . . | 24   | 12   | 13                  | 5        | +1  | —3       |
| 1926-27 . . | 16   | 4  | 11                  | 3        | —2  | —2       |
| 1927-28 . . | 22   | 6  | 10                  | 5        | —1  | +2       |
| 1928-29 . . | 22   | 6  | 10                  | 5        | ..  | ..       |
| 1929-30 . . | 7  | 6  | 1                   | 2        | —9  | —3       |
| 1930-31 . . | 11   | 6  | 4                   | 5        | +3  | +3       |
| 1931-32 . . | 11   | 3  | 3                   | 6        | —1  | 1        |

**Mr. M. Maswood Ahmad:** Is it a fact that the Headmaster is a non-Hindu gentleman?

**Mr. G. S. Bajpai:** I confess I have no information regarding the communal complexion of this gentleman.

ASSESSMENT OF INCOME-TAX AND SUPER-TAX IN THE PUNJAB.

273. **\*Bhai Parma Nand:** Will Government please state:

- (a) how much (i) income-tax and (ii) super-tax was assessed in the Punjab in the year 1930-31;
- (b) how much under each of the above two heads was assessed communitywise, (i) Hindus, (ii) Sikhs and (iii) Muhammadans?
- (c) what the total number of assesseses is;
- (d) the number of Hindu assesseses;
- (e) the number of Muslim assesseses;
- (f) what is the total number of the new recruits, both Hindu and Muslim, in the Income-tax Department during the last year?

**The Honourable Sir George Schuster:** (a) and (b). I would invite the Honourable Member's attention to the reply which I gave to a similar question, No. 95, by Mr. B. R. Puri.

(c) 24,218.

(d) and (e). The required information cannot be supplied as our statistics are not compiled according to the various communities.

(f) The total number of new recruits during 1931-32 was 135, namely:

|                  |   |   |   |   |   |   |   |   |     |
|------------------|---|---|---|---|---|---|---|---|-----|
| Hindus           | . | . | . | . | . | . | . | . | 44  |
| Muslims          | . | . | . | . | . | . | . | . | 65  |
| Sikhs and others | . | . | . | . | . | . | . | . | 26  |
| Total            |   |   |   |   |   |   |   |   | 135 |

**Mr. Lalchand Navalrai:** Is it really an insuperable difficulty to find out how many Hindu assesseses are there? Their names there are very clear and they can be distinguished and information given.

**The Honourable Sir George Schuster:** What is the Honourable Member's question? He gave me some information.

**Mr. Lalchand Navalrai:** The question is as regards part (d)—the number of Hindu assesseses. The Honourable Member said, he was not in a position to give that information. I submit, finding out of the Hindu names among the assesseses is a very easy proposition, as the Hindu names are easily distinguishable. Why should there be any difficulty in giving their number or percentage even?

**The Honourable Sir George Schuster:** My Honourable friend is suggesting that by making a deduction from the names, it would be possible to answer this question?

**Mr. Lalchand Navalrai:** Yes.

**The Honourable Sir George Schuster:** My reply remains the same: that we do not classify assesses according to their communities and we do not think that it is in the public interest to go to the expense necessary for making the deduction which my Honourable friend wishes to have made.

**Mr. Lalchand Navalrai:** In my humble opinion, it will be only office work to find out from the list how many are Hindus and how many are Muhammadans; I do not think there is great difficulty if the Honourable Member is inclined to do it. There may be some other reason for not giving it.

**The Honourable Sir George Schuster:** I am quite satisfied that my Honourable friend should hold that opinion.

**TENDERS FOR THE SUPPLY OF INDIAN COAL TO HIRED TRANSPORT "NEVASA" AT KARACHI.**

274. **\*Mr. Lalchand Navalrai:** (a) Is it a fact that the Marine Transport Officer, Karachi, in August, 1932, invited tenders for the supply of Indian coal to Hired Transport "Nevasa" at Karachi during December?

(b) If so, will Government be pleased to lay on the table a statement showing:

- (i) the names and addresses of all parties who submitted tenders for the business,
- (ii) the several descriptions of coals tendered for by each party;
- (iii) the rate quoted by each party for each description of coal tendered;
- (iv) the name of the party whose tender was accepted; and
- (v) the description of coal tendered by the successful party which was accepted for the business?

**Mr. G. R. F. Tottenham:** (a) Yes.

(b) The Government of India have no information and do not propose to call for any as the supply was arranged for His Majesty's Government and not for the Government of India.

**Mr. Lalchand Navalrai:** Does the Honourable Member know that this information was asked by the parties concerned from the officer in charge, and no information was given? Is it not hard that this House or the persons concerned should not know whose tenders came in and whose tenders were confirmed, and for what?

**Mr. G. R. F. Tottenham:** I was not aware of those facts, but as I have tried to explain, it is not the concern of the Government of India at all. If the parties concerned wish to obtain some information on the subject, I would suggest that they see that a question is asked in the House of Commons.

**Mr. Lalchand Navalrai:** This is a question that arose in India; and, before any question is asked in the House of Commons, I think the Government of India, which exercise general superintendence over all

departments here, should get this information: this primarily concerns India and these tenders were called for in India; never mind, if the department is directly under the subordination of His Majesty's Government, yet in India the Government of India have got power to call for information and superintend the things that are happening in India, and when information is asked for in this House, is the Honourable Member prepared to find out that information and give it to the House?

**Mr. G. R. F. Tottenham:** No. I do not think it is necessary to find out that information.

**Mr. Lalchand Navalrai:** I do not understand what is the reason for refusing it.

**Mr. G. R. F. Tottenham:** Because it does not concern the Government of India.

**Mr. Lalchand Navalrai:** It may not concern the Government of India, but, as I have already explained, the Government of India is responsible for giving information to the Honourable Members in this House when any question arises in India which concerns the Indian people. Is the Honourable Member going to take steps to find out this information or persist in his refusal?

**Mr. G. R. F. Tottenham:** There is nothing that the Honourable Member has said which leads me to change my opinion that this is not a matter that concerns the Government of India.

**Mr. Gaya Prasad Singh:** Do I understand that the Marine Transport Officer, Karachi, is not an officer of the Government of India?

**Mr. G. R. F. Tottenham:** Yes; he is an officer of the Government of India, but in this case he was acting as the agent of His Majesty's Government. He does certain agency work on behalf of His Majesty's Government.

**Mr. S. C. Mitra:** Do the Government of India pay in full or in part, and, if so, what part, of the salary of this officer?

**Mr. G. R. F. Tottenham:** They pay the whole of his salary, so far as I know.

**Mr. S. C. Mitra:** Yet he does this work which is not the concern of the Government of India, but which is exclusively under the British Government?

**Mr. G. R. F. Tottenham:** Occasionally the Admiralty take up vessels: I believe this vessel was taken up by the Admiralty, for purposes of which I am not aware; and it is obviously convenient that supplies of this kind should be arranged through the local officer who happens to be an officer of the Government of India.

**Mr. Lalchand Navalrai:** May I know who pays this officer for the agency work that he does for the British Government?

**Mr. G. R. F. Tottenham:** I doubt if he receives any pay for that.

**Mr. S. C. Mitra:** Was any attempt made to realise from the British Government part of the pay of this officer, because he does other work for the British Government exclusively?

**Mr. G. R. F. Tottenham:** If the amount of work that he did on behalf of His Majesty's Government was considerable, that would no doubt be a reasonable suggestion, but I understand that what really happens is that he merely arranges these supplies occasionally. However, I will consider the point.

**Mr. S. C. Mitra:** So far as he performs any work on behalf of His Majesty's Government, is he in any way under the superintendence and control of the Government of India?

**Mr. G. R. F. Tottenham:** So far as these coal supplies are concerned, he is not under the superintendence or control of the Government of India; he has to satisfy the Admiralty or whoever it is whose needs he supplies.

**Mr. Gaya Prasad Singh:** Do I take it that this gentleman has been allowed to do this work before he has taken the sanction of the Government of India in the matter?

**Mr. G. R. F. Tottenham:** Presumably sanction must have been given.

**Mr. Gaya Prasad Singh:** Have the Government of India satisfied themselves that no part of the pay of this officer should be realised from the British treasury, in view of the fact that he has been doing work for His Majesty's Government as well?

**Mr. G. R. F. Tottenham:** As I have mentioned in my reply to Mr. Mitra just now. I believe that the amount of work he does on behalf of His Majesty's Government is so small that it would be hardly worth asking for a contribution from His Majesty's Government on that account.

**Mr. Lalchand Navalrai:** May I also expect that the Honourable Member would advise that officer to give information of this kind to the parties concerned?

**Mr. G. R. F. Tottenham:** No: I do not think there is any reason to do that.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if the coal that has been supplied has been paid for by this officer from the Indian exchequer or from the British exchequer?

**Mr. G. R. F. Tottenham:** The coal was paid for presumably by His Majesty's Government.

#### COMPLAINTS AND HARDSHIPS OF INDIANS IN THE PANAMANIAN COUNTRIES, AMERICA.

275. **\*Mr. Lalchand Navalrai:** (a) Are Government aware that there are Indian merchants including "Sind Work merchants" doing large business in the Republic of "Panama", America?

(b) Are Government aware that they have large investments in that country and have vested interests since a very long time?

(c) Are Government aware that these Hindus and Muhammadans who are called "Hindus" in that country are put to great hardship and inconvenience by the "Panama Government"?

(d) Is it a fact that a restriction has been imposed on the Indians there that they cannot go to the harbour area without permission, whereas no such restriction is put upon other Asiatics including the Chinese?

(e) Are Government aware that these Indian merchants have been doing business with the tourists visiting Panama Canal unimpeded since very long, but that now other commercial people of Panama have become jealous of them?

(f) Are Government aware that with a view to ousting Indian interests these people have been openly maligning the Indian merchants by issuing circulars and pamphlets to their detriment?

(g) Is it a fact that the Panama Government have made new rules which hinder the business of Indians and expose them to heavy fines?

(h) Is there a British Consul for the Panama Country?

(i) Is it a fact that the aforesaid and other complaints and inconveniences have been brought to his notice by the Indians or have they come to his notice otherwise?

(j) What steps have been taken by him to have these evils remedied and to protect the Indians' interest and welfare generally?

(k) What steps do Government propose to take in the matter?

**Mr. H. A. F. Metcalfe:** Sir, there appears to have been some confusion over this question as to which department should answer it. All that I can say at the present is that the information is being collected and will be supplied in due course.

**Mr. M. Maswood Ahmad:** Will the Government also be pleased to inquire whether Mussalmans there are called Hindus?

#### FAMILY HOSPITALS FOR THE WIVES AND CHILDREN OF BRITISH TROOPS.

276. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if there are family hospitals for the wives and children of British troops in India maintained by Government?

(b) If so, at what places are they situated?

(c) How much does the Army Department budget for them?

**Mr. G. R. F. Tottenham:** (a) There are sections in British military hospitals which are provided for the troops' families.

(b) A statement giving the information desired is laid on the table.

(c) The information is not available as the accounts of expenditure on the sections in question are not maintained separately.

*List of stations at which Military Families' Hospitals for the wives and children of British troops are situated.*

|                   |                       |               |
|-------------------|-----------------------|---------------|
| Agra.             | Dinapore.             | Multan.       |
| Ahmednagar.       | Ferozepore.           | Murree.       |
| Allahabad.        | Fyzabad.              | Muttra.       |
| Ambala.           | Hyderabad.            | Nasirabad.    |
| Bangalore.        | Jhansi.               | Nowshera.     |
| Bannu.            | Jubbulpore.           | Pachmarhi.    |
| Bareilly.         | Jullundur.            | Poshawar.     |
| Barian.           | Jutogh.               | Poona.        |
| Barrackpore.      | Kamptee.              | Purandhar.    |
| Belgaum.          | Karachi.              | Quetta.       |
| Bombay.           | Kasauli.              | Rangoon.      |
| Calcutta.         | Khanspur.             | Ranikhet.     |
| Campbellpore.     | Kohat.                | Rawalpindi.   |
| Cawnpore.         | Lahore Cantonment.    | Risalpur.     |
| Chakrata.         | Landour.              | Rurkee.       |
| Chaubatia.        | Lebong and Jalapahar. | Secunderabad. |
| Cherat.           | Lucknow.              | Sialkot.      |
| Dagshui.          | Maymyo.               | Solon.        |
| Dalhousie.        | Meerut.               | Subathu.      |
| Delhi.            | Mhow.                 | Wellington.   |
| Deolali.          | Mingaladon.           |               |
| Dera Ismail Khan. | Mount Abu.            |               |

**Mr. Lalchand Navalrai:** Do I understand that there are not separate hospitals for the Indian families?

**Mr. G. R. F. Tottenham:** In some cases the family hospitals are in separate buildings, but they form a section of the British military hospital and the accounts for both of them are maintained together.

#### FAMILY HOSPITALS FOR THE WIVES AND CHILDREN OF INDIAN TROOPS.

277. **\*Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if there are any similar family hospitals for the wives and children of the Indian troops, maintained by Government?

(b) Does the Army Department provide any sum for them?

(c) If the answer to parts (a) and (b) be in the negative, will Government be pleased to give reasons for such a distinction?

(d) Do Government propose, in view of the necessity and the welfare of the families of Indian troops, to make similar arrangements for them, at least by giving half of the budgetted sum for British families hospitals, for the benefit of the Indian troops families hospitals? If not, why not?

**Mr. G. R. F. Tottenham:** (a) The answer is in the negative.

(b) Does not arise.

(c) and (d). Families of Indian troops residing in cantonments are entitled to free medical attendance at their quarters. For this purpose 12 lady Sub-Assistant Surgeons are employed in important military stations in addition to the Sub-Assistant Surgeons attached to the Indian military hospitals. Government regret that financial considerations make it impossible at present to establish Indian family hospitals; nor can they accept

the Honourable Member's suggestion that half the expenditure on British family hospitals should be devoted to Indian family hospitals. The result would be fatal to the former and the amount so provided would be totally inadequate to provide an organisation worth having for the latter. The health of the families of Indian soldiers living in cantonments is, however, a matter in which Government are deeply interested and in recent years considerable improvements have been effected both as a result of official action and also by the valuable voluntary work done under the auspices of the Indian Troops Child Welfare movement.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to say if Government have received representations that there should be separate Hospitals for Indian families?

**Mr. G. R. F. Tottenham:** Will the Honourable Member please repeat his question? I did not quite understand him.

**Mr. Lalchand Navalrai:** Will the Honourable Member please say what he wants? I did not follow him.

**Mr. G. R. F. Tottenham:** Will the Honourable Member be pleased to repeat his question? I did not catch the first part of it.

**Mr. Lalchand Navalrai:** My question is whether there have been any representations from the Indian families that the present hospital arrangements are inconvenient and that separate family hospitals should be provided for Indian families?

**Mr. G. R. F. Tottenham:** I am not aware of any such representations, but it is quite possible that such representations may have been received. I will look into the matter.

#### NON-OFFICIAL VISITORS APPOINTED BY GOVERNMENT TO VISIT THE DEOLI DETENTION CAMP.

278. **\*Mr. S. C. Mitra:** (a) Will Government please state the names of the non-official visitors appointed by Government for the Deoli Detention Camps? What is their qualification? Is one of them a Government Contractor?

(b) Is it a fact that Diwan Bahadur Harbilas Sarda was willing to serve as a non-official visitor? Was his appointment contemplated by the Deputy Commissioner of Ajmer? If so, why did it not materialise later? Are Government prepared to appoint Diwan Bahadur Harbilas Sarda as a non-official visitor even now?

**The Honourable Sir Harry Haig:** (a) The following members at present compose the Committee:

#### OFFICIAL.

1. The Honorary Magistrate, Deoli and Chairman, Municipal Committee, Deoli.
2. The Deputy Magistrate, Kekri.

#### NON-OFFICIAL.

3. Mr. B. H. Vakil.

I have no doubt that they are well qualified to discharge the responsibilities devolving upon them.



(b) I have no information on the points raised in the first three parts of this question, but I understand that the Chief Commissioner, Ajmer-Merwara, contemplates inviting Diwan Bahadur Harbilas Sarda to join the Committee.

**Mr. K. C. Neogy:** Has the Honourable Member answered one part of (a) which wants to know as to whether any one of these non-official visitors is a Government contractor?

**The Honourable Sir Harry Haig:** I am afraid I do not know whether Mr. Vakit is a Government contractor.

**Mr. K. C. Neogy:** Was information sought on this point from the local authorities?

**The Honourable Sir Harry Haig:** No, Sir, I do not think it was. I am afraid that is an omission.

#### CIVIL DISOBEDIENCE PRISONERS IN JAILS OF VARIOUS PROVINCES.

279. **\*Mr. S. C. Mitra:** Will Government please lay on the table a statement showing the number of civil disobedience prisoners in various provinces for the last six months? What was the number of arrests in each month?

**The Honourable Sir Harry Haig:** I lay on the table a statement giving the information in my possession.

I regret I have no information as to the number of arrests.

*Statement showing the total number of persons (under ordinary law and Ordinances) undergoing imprisonment at the end of—*

| Province.                        | July<br>1932. | August<br>1932. | September<br>1932. | October<br>1932. | November<br>1932. | December<br>1932. |
|----------------------------------|---------------|-----------------|--------------------|------------------|-------------------|-------------------|
| Madras . . .                     | 1,774         | 1,663           | 1,603              | 1,492            | 1,415             | 1,112             |
| Bombay . . .                     | 6,447         | 5,669           | 5,104              | 4,661            | 4,376             | 3,937             |
| Bengal . . .                     | 3,693         | 2,694           | 2,604              | 2,442            | 2,300             | 1,933             |
| United Provinces .               | 4,953         | 4,237           | 3,887              | 3,610            | 3,373             | 3,016             |
| Punjab . . .                     | 895           | 747             | 635                | 541              | 460               | 358               |
| Bihar and Orissa .               | 2,542         | 2,527           | 2,452              | 2,266            | 2,206             | 1,781             |
| Central Provinces .              | 1,166         | 858             | 715                | 524              | 408               | 311               |
| Assam . . .                      | 722           | 636             | 533                | 457              | 384               | 357               |
| North West Frontier<br>Province. | 1,988         | 1,922           | 1,912              | 1,967            | 1,950             | 1,742             |
| Delhi . . .                      | 384           | 383             | 282                | 163              | 154               | 145               |
| Coorg . . .                      | 67            | 54              | 55                 | 66               | 69                | 80                |
| Ajmer-Merwara .                  | 101           | 92              | 76                 | 64               | 60                | 43                |
| Total .                          | 24,732        | 21,422          | 19,858             | 18,253           | 17,155            | 14,815            |

**GRIEVANCES OF POLITICAL PRISONERS IN THE CELLULAR JAIL, PORT BLAIR.**

280. **\*Mr. S. C. Mitra:** (a) Will Government be pleased to state whether in terms of the provisions of the latest Jail Code, the political prisoners classified under Division II are entitled to read certain weekly newspapers and monthly magazines and to be given such labour to which the prisoners were accustomed before their arrest?

(b) Is it a fact that the political prisoners under Division II transferred to the Cellular Jail, Port Blair, are not being allowed to read weekly newspapers and are being subjected to hard labour?

(c) If the answers to the above questions be in the affirmative, will Government be pleased to state the reasons for withholding these usual privileges?

(d) Is it a fact that there being no Bengali officer in the Cellular Jail, Port Blair, all correspondence from the political prisoners there and their relatives pass through the Deputy Inspector General, C. I. D., I. B., Bengal, and that it causes unusual delay in most cases?

(e) Do Government propose to appoint a Bengali officer in the Cellular Jail and to take such steps as to remedy the disadvantages stated above?

**The Honourable Sir Harry Haig:** (a) I would refer the Honourable Member to the Communiqué issued by Government on the 19th February, 1930.

(b) The rules framed by the Andamans Administration under the Prisons Act provide for the supply of newspapers and magazines to "B" class prisoners and an illustrated weekly paper is at present supplied. The prison labour allotted to the prisoners is suited to their capacity.

(c) Does not arise.

(d) A Bengali officer has been deputed to the Andamans and he attends to the correspondence of the prisoners.

(e) Does not arise.

**INTERVIEW WITH POLITICAL PRISONERS BY THEIR RELATIVES BEFORE THEIR TRANSFER TO THE ANDAMANS.**

281. **\*Mr. S. C. Mitra:** (a) Are Government aware that a second batch of political prisoners was sent away to the Andamans in the middle of December, 1932, and not in January, 1933, as was stated in this House in reply to a question of mine in this connection?

(b) Are Government further aware that, in spite of the assurance by Government, the relatives of these political prisoners were not given timely information as to the date of their deportation and that this time also most of the relatives could not avail themselves of any interview with the prisoners before their departure?

(c) Are Government prepared to issue official instructions to the respective officers, so that the relatives of such prisoners may be given timely permission to interview the prisoners before their departure?

**The Honourable Sir Harry Haig:** (a) I informed the Honourable Member that a date had not been fixed, but it would probably be in January. Subsequently, it was found possible to despatch the prisoners in December.

(b) Superintendents of Jails were instructed on 30th November, 1932, that prisoners should be allowed an interview between 1st and 14th December. On 3rd December, they were further instructed to ask the prisoners to write to their relatives to come for interviews. Of 35 prisoners transferred, 16 had interviews and 2 did not ask for interviews. For others interviews were duly arranged, but the interviewers did not come.

(c) Does not arise.

#### REPORTS ABOUT THE CONDITION OF THE HEALTH OF POLITICAL PRISONERS IN THE ANDAMANS.

282. \*Mr. S. C. Mitra: Will Government be pleased to state if they propose to arrange the publication of detailed monthly or quarterly reports about the condition of the health of the deported political prisoners in the Andamans?

The Honourable Sir Harry Haig: No, Sir. Government are not prepared to take this action.

#### PROVISION OF A LIBRARY IN THE CELLULAR JAIL, PORT BLAIR.

283. \*Mr. S. C. Mitra: (a) Will Government state if there is a library in the Cellular Jail, Port Blair, for the use of the political prisoners?

(b) If so, will Government please state the number and nature of books on the list?

The Honourable Sir Harry Haig: (a) There is a small library in the Cellular Jail at Port Blair to which the books taken by the Bengali prisoners have been added and are available for reading.

(b) I have no precise information in regard to the number and nature of books in the library.

#### GOVERNMENT SUBSIDY TO THE STATESMAN.

284. \*Mr. S. C. Mitra: (a) Has the attention of Government been drawn to the editorial article in the *Amrita Bazar Patrika* which has been reproduced in the *Hindustan Times* of January 20, 1933, page 3, under the caption 'Subsidising Statesman'?

(b) Is the *Statesman* a subsidised paper of Government, directly or indirectly?

(c) Is it a fact that notice about the opening of the Howrah Bridge is advertised in the *Statesman* alone by the Port Commissioners of Calcutta? Why are Indian papers which have larger circulation amongst Indians excluded from such advertisement?

(d) What percentage of persons who pass along the Howrah Bridge are Indians and what percentage are Europeans?

(e) Did the Port Commissioners ask any Indian papers to advertise about the opening of the Howrah Bridge free of charge? Did they ask for the same favour from the *Statesman*? What is the amount paid in advertisement by the Port Commissioners of Calcutta to the *Statesman* during the year 1932?

**The Honourable Sir Joseph Bhow:** (a) Yes.

(b) No.

(c), (d) and (e). The Government of India are making enquiries on the subject. When information has been obtained, a reply will be laid on the table.

**Mr. K. Ahmed:** Will Government be pleased to inquire whether on the morning of the 20th of January last, three trains successively arrived at Howrah, from Delhi, namely, the Punjab Down Mail, the Postal Express and probably the Delhi Passenger, and perhaps some other trains also, at the time the opening of this Bridge was taking place, involving inconvenience to thousands of passengers?

**The Honourable Sir Joseph Bhow:** After I see my Honourable friend's question on paper, I shall be in a position to decide, Sir, whether it will be of any advantage to call for the information or not on the subject.

**Mr. K. Ahmed:** Is it a fact that at the time of the opening of this bridge, the traffic between Howrah and Calcutta is stopped altogether, and, as a lot of people have to cross the river by boats, they are put to much inconvenience? Do Government propose, for the benefit of the public and for their own benefit as well that this undesirable thing, I mean opening the bridge during this particular hour when there is much traffic, is put a stop to, because there is a real grievance on the part of the public that they are put to considerable inconvenience?

**The Honourable Sir Joseph Bhow:** Sir, I do not exactly understand what my Honourable friend's question means, but if he means to ask whether the opening of the Howrah Bridge does not take place at inconvenient hours, I shall be happy to make inquiries.

**Mr. K. Ahmed:** As a matter of fact, on the 20th January last, I was one of the victims. I travelled with some Government officers, and a lot of people on this side of Howrah were compelled to go to the other side by ferry boats. Do Government propose, therefore, for the benefit of the people and public servants as well, to warn the Port Commissioners not to keep open the bridge at that particular time, at least for half an hour? When the passengers of these trains pass through, they might keep the bridge open.

(No reply.)

**Mr. K. C. Neogy:** Why don't you read the *Statesman*?

**Mr. K. Ahmed:** Why don't they stop the running of the trains at that inconvenient hour? The *Statesman* will not bring any solution, because unless you went through the issues of the *Statesman* at least for a fortnight before the 20th January, you could not have understood that the Bridge would be opened on that day at a particular time and discontinue the journey or, I do not know how the Railway Board could alter their time table?

**The Honourable Sir Joseph Bhoré:** My honourable friend does not require an answer to that question.

**Mr. K. Ahmed:** I want to know if the Government of India will kindly send a copy of these questions to the Chairman of the Port Commissioners?

**The Honourable Sir Joseph Bhoré:** I shall be most happy to do so, Sir.

**Mr. K. C. Neogy:** Is it a fact that the Howrah Bridge is opened at inconvenient hours mainly for the purpose of punishing those who do not want to read the *Statesman*?

**The Honourable Sir Joseph Bhoré:** I have no information, Sir, in regard to the opening of the Howrah Bridge.

**PUBLICATION OF ADVERTISEMENTS BY THE EASTERN BENGAL RAILWAY IN THE *STATESMAN*.**

285. **\*Mr. S. C. Mitra:** (a) Is it a fact that the Eastern Bengal State Railway advertise about the change of their time-table only in the *Statesman*? If not, in what other papers?

(b) What percentage of Railway travellers are Europeans and what percentage are Indians?

(c) Is it a fact that advertisements about the *Magh Mela*, *Kumbha Mela*, *Shivaratri Mela* and other pilgrim notices are advertised in the *Statesman*? Are Government aware that pilgrims read Indian papers more than the *Statesman*? If so, why is this preference made in favour of the *Statesman*? Why are such notices not advertised in Indian papers? Will Government please state if such advertisements appear in Indian papers, and, if so, in what?

**Mr. P. R. Rau:** (a) and (c). I am making enquiries from the Eastern Bengal Railway administration, and, on the assumption that my Honourable friend is referring to the East Indian Railway in part (c) of the question from that administration, and shall place a reply on the table in due course.

(b) I am afraid Railways do not collect such statistics regarding travellers.

**REDRESS OF CERTAIN GRIEVANCES OF DETENUS IN THE DEOLI DETENTION CAMP.**

286. **\*Mr. S. C. Mitra:** Will Government please state what steps have been taken in the Deoli Detention Camp to redress the following grievances of detenues (1) arrangement for treatment of tuberculosis patients, (2) about the promise of the Inspector General of Prisons, Bengal, about a common dining-room, (3) about the arrangement for sports like football or hockey, as promised, (4) about supply of fresh fish?

**The Honourable Sir Harry Haig:** (1) I am not aware of any complaints about the treatment of tuberculosis patients. I have no doubt that proper arrangements are made whenever necessary on medical grounds for such treatment.

(2) Government consider that the dining room accommodation is adequate.

(3) Sanction has been accorded for the provision of a football and hockey ground: facilities for badminton and volley-ball are provided.

(4) An increase in the daily diet allowance has been sanctioned for so long as the difficulty lasts of procuring locally an adequate supply of fish.

**ALLEGATIONS OF ILL-TREATMENT TO ONE NAGENDRA SEKHAR CHAKRAVARTY, A DETENU IN THE AJMER JAIL.**

**287. \*Mr. S. C. Mitra:** Will Government please state if Sj. Nagendra Sekhar Chakravarty is still in the Ajmer Jail? How many Bengal detenus are or were in Ajmer Jail? Were they kept in solitary confinement? If not, what association was afforded to Sj. Nagendra Sekhar Chakravarty? Was the allegation about the dragging of Nagendar Sekhar from his bed because he was too weak to move and thus receiving injuries, as published in the public press, correct?

**The Honourable Sir Harry Haig:** No Bengal detenus are now in the Ajmer Jail. Three detenus were at various times sent to Ajmer for medical treatment. They were not kept in solitary confinement. There is no truth in the allegation referred to in the last part of the question.

**IMPORTS OF RICE AND PADDY INTO INDIA FROM SAIGON AND SIAM.**

**288. \*Mr. M. Maswood Ahmad.** (a) Are Government aware as to what quantity of rice has been imported to India from Saigon and Siam in the financial year 1932-33?

(b) Are Government aware as to what quantity of rice has been imported into India from Japan and other countries in the financial year, 1932-33?

(c) If the reply to parts (a) and (b) be in the affirmative, will Government be pleased to lay on the table a statement showing the figures of rice, paddy and their products imported into India from the different countries?

**The Honourable Sir Joseph Bhore:** (a), (b) and (c). According to the monthly Accounts relating to the Seaborne Trade and Navigation of British India for December, 1932, which gives the latest figures available, the total imports into India of "Rice not in the husk" during the first nine months of the current financial year, namely, April to December, 1932, amounted to 26,639 tons. These Accounts do not show imports of rice in any other form or of rice products, nor do they distinguish imports of "Rice not in the husk" by countries of origin. For more detailed information the compilation and publication of the Annual Accounts after the close of the year must be awaited.

**LEVY OF IMPORT DUTY ON RICE.**

**289. \*Mr. M. Maswood Ahmad:** (a) Are Government aware that the slump in the price of Indian rice is causing grave anxiety in the Indian commercial and agricultural circles?

(b) Have Government received any telegram from the Burma Indian Chamber of Commerce addressed to the Secretary to the Government of India, Commerce Department, about the large import of rice into India?

(c) Do Government propose to protect Indian rice and rice products?

(d) Are Government prepared to consider the desirability of levying a suitable import duty on rice and rice products similar to that on wheat?

**Mr. G. S. Bajpai:** (a) Government are aware that the recent downward tendency in the price of rice has been a source of anxiety.

(b) Yes.

(c) and (d). Government have given very careful consideration to this matter; and have come to the conclusion that the levy of an import duty cannot have the desired effect of protecting Indian rice and rice products. The latest figures available show that less than 27,000 tons of foreign rice were imported into India from April to December, 1932, while the exports of Burma rice to foreign countries during that year amounted nearly to 2.68 million tons. While an exportable surplus of such magnitude is available in India, the fate of the rice industry must depend upon the price which the exportable surplus commands and cannot be influenced by any import duty that might be imposed upon imports which constitute a very small fraction of this surplus.

#### EXPORT OF BIHAR RICE.

290. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that the main agricultural product of Bihar is rice?

(b) Are Government aware that apart from the large import of rice into India the high rate of railway freight has affected the export of the Bihar rice from the province?

(c) Are Government aware that in comparison with the cost of production of rice in Bihar, the selling price of rice is very low?

(d) Are Government prepared to consider the desirability of reducing the railway freight for rice on the East Indian Railway?

**Mr. P. R. Rau:** (a) Yes.

(b) and (d). I have called for certain information from the Agent of the East Indian Railway and will place a reply on the table in due course.

(c) The Government are not in possession of statistics of the cost of production of rice in Bihar. They are, however, aware that, as in the case of most of the other agricultural crops, the present selling price of rice in Bihar is low compared with the prices during the previous years.

#### ECONOMIC CENSUS IN INDIA.

291. **\*Mr. M. Maswood Ahmad:** (a) Are Government aware that an economic census was started in England, and that other countries conducted a similar enquiry?

(b) Are Government aware that the economic census in England and in other countries has helped the industry of those countries to a great extent?

(c) Do Government propose to appoint a committee of officials and non-officials to consider the desirability of conducting an economic census in India?

**The Honourable Sir Joseph Bhore:** (a) Presumably by "Economic Census" the Honourable Member means "Census of Production". If so, the answer is in the affirmative so far as Great Britain is concerned. The Government of India have no definite information regarding other countries.

(b) The Government of India are not in a position to say to what extent, if any, such a census has helped industry in any particular country.

(c) No, but the Honourable Member's attention is invited to the reference made by His Excellency the Governor General in his opening address to the Assembly on the subject of Economic planning.

**Dr. Ziauddin Ahmad:** May I know whether any action was taken at the suggestion of the Finance Member that we should have this economic survey for each town separately?

**The Honourable Sir Joseph Bhore:** I may say that the whole subject is under the active consideration of the Government of India.

#### EXPENDITURE INCURRED BY THE EAST INDIAN RAILWAY ON THE OAKGROVE SCHOOL AND OTHER EUROPEAN AND INDIAN SCHOOLS.

**292. \*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state if the Oakgrove European School is maintained and controlled by the East Indian Railway?

(b) Are the Indian schools on the Railway also maintained and controlled by the East Indian Railway?

(c) Will Government be pleased to state separately the expenditure incurred by the East Indian Railway on the Oakgrove School and other European and Indian schools maintained by the said Railway during 1931-32?

(d) Will Government be pleased to state if the Oakgrove School was included within the scope of Mr. Smith's inquiry regarding the cost of assistance to Railway employees for the education of their children? If not, why not?

**Mr. P. R. Rau:** (a) Oakgrove school is maintained by the East Indian Railway, but controlled by a body of governors who are officers selected from the East Indian Railway and the North Western Railway.

(b) The East Indian Railway maintains 29 Indian schools which are controlled by local committees of which the Divisional Superintendent is *ex-officio* President.

(c) Rs. 1,62,847 for Oakgrove; Rs. 54,235 for other European schools; and Rs. 75,363 for Indian schools.

(d) No, it was intended to deal with it separately.

**Dr. Ziauddin Ahmad:** May I ask whether the report of Mr. Smith's enquiry is available for the Members of this House?

**Mr. P. R. Rau:** Copies of the report are in the Library of the House.

#### OAKGROVE SCHOOL MAINTAINED BY THE EAST INDIAN RAILWAY.

**293. \*Mr. M. Maswood Ahmad:** (a) Is it a fact that the Oakgrove School of the East Indian Railway was included in the scope of special inquiry conducted by Mr. Jones in 1927?



(b) Is it a fact that according to Mr. Jones' findings the Oakgrove School was on the same footing as the other schools maintained and controlled by the East Indian Railway?

(c) If the reply to parts (a) and (b) be in the affirmative, why did Government treat the Oakgrove School differently and exclude it from the purview of Mr. Smith's inquiry?

**Mr. P. R. Rau:** (a) Yes.

(b) It is not quite clear what the Honourable Member means by the expression "on the same footing". If by these words he is referring to the control of the School, the answer is in the negative. Two State Railways are interested in the Oakgrove School, the East Indian and the North Western Railways, and, as stated by Mr. Jones in his report, the Governing Body consists of officials of both Railways.

(c) I have already replied to this in my reply to the last question.

**Mr. M. Maswood Ahmad:** Was the Oakgrove School excluded from the scope of Mr. Smith's enquiry?

**Mr. P. R. Rau:** Yes, Sir. It was intended to deal with it separately.

**Mr. M. Maswood Ahmad:** Was the Oakgrove School excluded, because it caters for the children of European and Anglo-Indian employees and the teachers there are Europeans and Anglo-Indians?

**Mr. P. R. Rau:** I do not know exactly the reason why it was excluded, there is nothing on record. But, so far as I can guess, it must be because it was the concern of two Railways and not of the East Indian Railway alone.

**MR. SMITH'S REPORT ON THE INQUIRY REGARDING THE COST OF ASSISTANCE TO THE RAILWAY EMPLOYEES FOR THE EDUCATION OF THEIR CHILDREN.**

294. **\*Mr. M. Maswood Ahmad:** (a) Was the scope of Mr. Smith's inquiry, specially clause 3 of the terms of reference, notified to the East Indian Railway schools either by the Agent or Mr. Smith? If so, will Government be pleased to lay on the table copies of the letter issued by each of them to the schools?

(b) Will Government be pleased to lay on the table the terms of reference of Mr. Smith's inquiry?

(c) Are Government prepared to circulate Mr. Smith's and Mr. Jones' reports to all Members of the Assembly?

**Mr. P. R. Rau:** (a) Government have no precise information on this point, but presumably Mr. Smith, in conducting his inspection of such schools, as he did inspect, would have brought to the notice of the school authorities what was the scope of his enquiry.

(b) The terms of reference are contained in the reports submitted by Mr. Smith, copies of which are in the Library of the House.

(c) Copies of the Reports are, as I have already stated, in the Library of the House.

**Mr. M. Maswood Ahmad:** Will Government be pleased to circulate Mr. Smith's report to the Members of the Central Legislature?

**Mr. P. R. Rau:** If there is such an interest taken in these reports that the copies in the Library are insufficient to meet the demand, then I should be glad to give a copy to any Member who may want it.

**Dr. Ziauddin Ahmad:** Or at least can it be supplied to those who want to read it?

**Mr. P. R. Rau:** Certainly.

**Mr. S. O. Mitra:** How many copies have been printed of this report?

**Mr. P. R. Rau:** I am sorry I cannot say offhand.

**Mr. S. O. Mitra:** Can you tell us the approximate cost of printing this book?

**Mr. P. R. Rau:** I think the number of copies already printed will suffice to meet the requirements of those people who want them.

#### STATUS OF TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.

295. **\*Mr. M. Maswood Ahmad:** (a) Was an inquiry into the status of the teachers in the East Indian Railway schools within the terms of reference of Mr. Smith's inquiry? If so, under which clause does it fall?

(b) Is there a proposal about the transfer of railway schools and teachers therein who are railway servants to the control of private committees? If so, what are the reasons for that?

**Mr. P. R. Rau:** (a) No specific mention was made in the terms of reference to Mr. Smith in regard to the status of teachers in the East Indian Railway Schools. Mr. Smith, however, deals with this question, in Chapter XIV of his report on the North Western, East Indian and Great Indian Peninsula Railway Schools:

(b) Mr. Smith has made a suggestion to that effect and gives his reasons for it in paragraph 85 of his report to which I would refer my Honourable friend.

#### STATUS OF TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.

296. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that on the 1st February, 1928, in reply to a question of Mr. H. N. Kunzru, the then Financial Commissioner stated in the Legislative Assembly:

"The Oakgrove School is maintained by the East Indian Railway and its teachers and those of the Indian schools maintained by the East Indian Railway are Government servants"?

(b) Is it a fact that on the 25th February, 1928, in the course of the Railway Budget debate in the Assembly, Sir George Rainy, the then Commerce Member, referring to the schools of the Great Indian Peninsula and East Indian Railways, stated:

"Now the schools of two of the biggest of the Company Railways have come under the direct control of the State"?

(c) Is it a fact that on the 21st February, 1929, in the course of the Railway Budget debate, Sir George Rainy stated with reference to these schools:

"So long as the *schools are under our control*, it is reasonable that the teachers should receive pay on about the same level as they would receive if they were employed in a school run by the Provincial Government.....As regards the Higher English Schools maintained by the East Indian Railway we have already issued orders to that effect"?

(d) Is it a fact that on the 12th September, 1929, in reply to a question of Mr. Kunzru Sir George Rainy stated:

"The schools are the property of the East Indian Railway and as the East Indian Railway belongs to Government, I think there can be no doubt that these schools are Government schools in that sense"?

(e) Is it a fact that in 1928, in reply to a reference by the Agent of the East Indian Railway, the Railway Board said:

"In the opinion of the Railway Board the teachers employed in the schools maintained by the East Indian Railway Administration for the education of railway children are railway employees even though teachers may actually be employed by the local committees of the several schools"?

(f) Why do Government now think a further inquiry into the status of these schools and of the teachers employed therein necessary?

(g) Do Government propose to go back upon their previous decisions and to take away the status of Government servants from teachers already employed in these State Railway schools?

(h) Is it a fact that the inquiry about the status of teachers was kept a secret from the teachers and School Committees?

**Mr. P. R. Rau:** (a) to (e). The quotations are substantially correct.

(f) and (g). Government have not yet been able to finish their examination of Mr. Smith's Report, and are, therefore, unable to give a reply to these questions.

(h) Not that I am aware of.

**Mr. M. Maswood Ahmad:** Was Mr. Smith specially instructed to review the decisions of the Government of India and the Railway Board and to see whether these were right?

**Mr P. R. Rau:** Mr. Smith was asked to inspect the Railway schools with a view to making recommendations for the introduction of improvements in the existing methods of administration. That was one of the terms of reference to him.

**Mr. M. Maswood Ahmad:** And is it a fact that Mr. Smith, while visiting the schools, did not make any enquiry or have any discussion with the teachers or the committees on this subject?

**Mr. P. R. Rau:** I would refer my Honourable friend to paragraph 86 of Mr. Smith's report, wherein he says that only once had the matter been brought casually to notice by a teacher.

**Mr. Gaya Prasad Singh:** May I take it that one of the methods for the improvement of the administration of the schools, as recommended by Mr. Smith, was that they should be transferred to private management?

**Mr. P. R. Rau:** That is one of his recommendations, but, as I have already stated, Government have not come to any decisions on the subject.

STATUS OF TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.

297. \***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the grounds on which the Agent of the East Indian Railway, in his letter to the Railway Board referred to on page 153 of Mr. Smith's report, made a discrimination between the Oakgrove School and other schools in the plains, saying that the staff in the Oakgrove School are practically Government servants, while the staff in the schools in the plains are not, except for provident fund and gratuity and that the schools in the plains are not Government schools?

(b) Is it not a fact that Mr. Smith has found the Oakgrove School to be on the same footing as the schools in the plains?

(c) Is it a fact that the Committee of the East Indian Railway schools in the plains are constituted according to Railway rules, that they exercise delegated functions and that their personnel and their decisions are subject to the confirmation and veto of the Secretary to the Agent and Superintendent, East Indian Railway Schools?

(d) Is it a fact that the Secretary to the Agent is the Superintendent of the East Indian Railway Schools and that the Divisional Superintendents are, according to rules, the *ex-officio* Presidents of all the schools in their Divisions?

(e) Is it a fact that the teachers in the East Indian Railway schools have the right of appeal to the Agent and to the Railway Board?

(f) Is it a fact that Mr. H. N. Sinha, the discharged Headmaster of the Indian High School at Dinapore, appealed to the Government of India?

(g) Is it a fact that the scale of salaries of teachers in the East Indian Railway schools were, under the orders of the Government, assimilated with that of teachers in the Provincial Government schools?

(h) Is it a fact that teachers in the East Indian Railway schools were, under the orders of the Agent, subjected to the emergency salary cut just like other railway employees?

(i) Is it a fact that the names of teachers in the East Indian Railway schools are shown in the Classified List?

**Mr. P. R. Rau:** (a) The actual quotation from the letter of the Agent of the East Indian Railway which is contained in Mr. Smith's Report is as follows:

"All the teachers of the Railway schools are regarded as employees of the Railway for purposes of the Provident Fund and Gratuity Rules. The staff at Oakgrove are for all practical purposes Railway servants though they have no definite leave rules due to the fact that they have their annual school holidays. In other respects the teaching staff are not regarded as employees though they are allowed a certain number of passes."

This is a statement of existing practice on the railway.

(b) Mr. Smith states that he sees no reason why the Oakgrove School should not be regarded equally with the other East Indian Railway Schools as under the management of a private Body of Governors, *i.e.*, of railway servants in their unofficial capacity.

(c) and (d). Yes.

(e) The teachers in the East Indian Railway schools have, the right of appeal to the Agent, the authority next above the Secretary.

(f) to (i). Yes.

#### MR. SMITH'S REPORT ON EAST INDIAN RAILWAY SCHOOLS.

298. \***Mr. M. Maswood Ahmad:** (a) Have Government come to any decision on the subjects dealt with in Chapters 14, 16 and 17 of Mr. Smith's report on the East Indian Railway schools?

(b) Do Government propose to consult the Legislative Assembly before taking any decision on Mr. Smith's report?

**Mr. P. R. Rau:** (a) No.

(b) Government have not come to any decision on these subjects, and are unable to say what procedure they will adopt before they have arrived at some preliminary decisions.

#### EXAMINERS OF THE BOARD OF EDUCATION, DELHI.

299. \***Mr. M. Maswood Ahmad:** (a) Is it a fact that the Superintendent of Education, Delhi, Ajmer-Merwara and Central India, is the Chairman of the Board of Secondary Education, Delhi, and also the Chairman of the Board's Examination Committee?

(b) Is it a fact that the Superintendent of Education himself, his wife, his near relatives, his stenographer are the examiners of the examinations held by the Board of Secondary Education, Delhi?

(c) Will Government please state in how many examinations under different bodies the Superintendent of Education, Delhi, Ajmer-Merwara and Central India works as paper-setter or examiner?

(d) Will Government be pleased to state what was the total number of answer books which were examined by the Superintendent of Education in the year 1932?

(e) Will Government be pleased to state whether those answer books were examined by the Superintendent of Education during office hours or after the office hours?

(f) Is it a fact that the Principal and the Vice-Principal of the Government College, Ajmer, are not allowed to be examiners of different examinations held by different bodies? Will Government be pleased to state the reasons for the same?

(g) Will Government be pleased to state whether the Superintendent of Education has obtained any permission from the Local Governments for the examinership of different bodies, or as the head of the Education Department he was himself authorised to do so?

**Mr. G. S. Bajpai:** (a) Yes.

(b) Government know that the Superintendent and his stenographer have been acting as examiners for the Board of Secondary Education from dates prior to their appointment to their present posts. They have no information about the other persons mentioned in the question.

(c) Five.

(d) 1,025.

(e) After office hours.

(f) No.

(g) Educational officers of Government have not so far been required to obtain the sanction of Government before accepting examinerships. The question whether such sanction should be obtained now is receiving attention.

**Mr. M. Maswood Ahmad:** Was this question asked for the information as to whether the Superintendent, his wife and other relatives worked as examiners?

**Mr. G. S. Bajpai:** The question was forwarded to the Chief Commissioner of Delhi who, as my Honourable friend is aware, is the head of the Local Administration, and his reply was that he was not in a position to furnish information about the relatives of the Superintendent.

**Mr. M. Maswood Ahmad:** Will Government please make an enquiry on this point?

**Dr. Ziauddin Ahmad:** Is it not a fact that the teachers are not required to take permission, but the persons engaged on the administrative side are required to take permission?

**Mr. G. S. Bajpai:** I have already stated that the point is receiving attention. I am inquiring into it.

#### INSPECTION OF ANGLO-VERNACULAR MIDDLE AND PRIMARY SCHOOLS BY THE SUPERINTENDENT OF EDUCATION, DELHI, AJMER-MERWARA AND CENTRAL INDIA.

300. **\*Mr. M. Maswood Ahmad:** (a) Is it a fact that the Inspector of Schools, Central India Agency, was retrenched in February, 1932?

(b) Is it a fact that Anglo-Vernacular middle and primary schools were under his inspection?

(c) Is it a fact that the medium of education in the Central India Agency in seventy-five per cent. of the schools mentioned in part (b) is *Hindi*?

(d) Is it a fact that the Superintendent of Education, Central India Agency, inspects the schools mentioned in part (b) himself after the retrenchment of the said Inspector and sometimes deputed his stenographer to inspect the schools?

(e) Will Government be pleased to state what diplomas for *Hindi* knowledge the Superintendent of Education and his stenographer possess?

**Mr. H. A. F. Metcalfe:** With your permission, Sir, I propose to answer questions Nos. 300 and 301 together. The required information is being collected and will be given to the House in due course.

#### INSPECTION OF RECOGNISED SCHOOLS IN THE ADMINISTERED AREAS IN CENTRAL INDIA.

†301. **\*Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state the number of recognised schools together with their grades in the Administered Areas in Central India at the time of the appointment of

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†For answer to this question, see answer to question No. 300.

the present Superintendent of Education and the number of similar institutions on the 1st January, 1933?

(b) Will Government be pleased to state the total annual expenditure on the inspectorate in Central India during the year preceding the appointment of the present Superintendent of Education and the total expenditure on the inspectorate in the year 1932?

(c) Will Government kindly state what improvements, if any, have been made in the education of the Central India Agency after the appointment of the Superintendent of Education who is also the Secretary to the Agent to the Governor General in Central India in the Education Department? Are Government prepared to consider the desirability of dispensing with the present arrangement of inspection and administration in these days of financial stringency and putting the education of that area under the Education Department of the Central Provinces? Is there any Government educational institution in Central India?

#### PROHIBITORY ORDER ON DR. MUHAMMAD ALAM AGAINST ENTRY INTO KENYA.

302. \*Mr. Jagan Nath Aggarwal: (a) Are Government aware that Dr. Muhammad Alam was served with an intimation by the C. I. D. police of Calcutta on the 4th January, 1933, on behalf of the Commissioner of Police of Nairobi (Kenya) in East Africa that his entry into Kenya would be prohibited under the immigration laws if he had been sentenced to imprisonment? Was this intimation received through the Government of Bombay?

(b) What is the wording of the telegram above referred to received by Bombay and sent to the Calcutta Police for information to Dr. Muhammad Alam?

(c) Is it true that Dr. Muhammad Alam, Bar.-at-Law, of Lahore, was only convicted in connection with the civil disobedience movement and that he was released for reasons of health about the end of November, 1932?

(d) Are Government aware that there is an express provision in rule 3, Part D, of the Immigration Rules of East Africa to the effect that the provisions regarding prohibition "shall not apply to offences of a political character not involving moral turpitude"?

(e) Is it true that Dr. Muhammad Alam has moved for intervention by the Government of India through the Punjab Government in this affair? If so, what action has been taken on this?

(f) Are Government aware that after his release Dr. Muhammad Alam has been under the medical treatment of eminent doctors at Calcutta including Sir Nil Ratan Sircar, Lieut.-Colonel L. M. Banerji and Dr. B. C. Roy who have advised him an immediate sea trip and change of climate, if possible?

(g) Are Government aware that Dr. Muhammad Alam was invited to preside at a local Indian Congress gathering at Nairobi and that the invitation drew his particular attention to the healthy climate of Kenya and the benefits of a sea trip to recuperate his health?

(h) Is it a fact that all these facts were brought to the notice of the Government of India through the Punjab Government?

(i) Did Dr. Muhammad Alam ask for passports for himself and his wife and a personal attendant and, if so, what is the result?

(j) Do Government propose to intervene in this matter? If not, why not?

**Mr. G. S. Bajpai:** (a) and (b). The Government of India understand that the Commissioner of Police, Nairobi, intimated that if Dr. Muhammad Alam had been sentenced to imprisonment, he would not be allowed to enter Kenya. They have no further information regarding the points raised under these heads.

(c) Yes. Dr. Muhammad Alam was convicted in February, 1932, under section 124-A, I. P. C., and sections 17 (1) and 17 (2) of the Criminal Law Amendment Act.

(d) Yes. The Honourable Member has correctly quoted the concluding portion of sub-section (d) of section 5 of the Kenya Immigration Restriction Ordinance, 1906.

(e) No such communication has been received by the Government of India.

(f) and (g). Government have no information.

(h) and (i). The only information received by the Government of India has been given in my reply to parts (a) and (b).

(j) The question does not arise because of the answer I have already given to part (e).

#### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Brojendra Mitter** (Leader of the House): Sir, I lay on the table the information promised in reply to starred question No. 1174 asked by Mr. M. Maswood Ahmad on the 14th November, 1932.

#### RESOLUTIONS OF THE INDIAN LEGISLATURE.

\*1174. (a), (c), (d), (e) and (g). The information sought in these parts of the question will be found in the following two statements Nos. I and II showing respectively (i) the number of non-official Resolutions admitted, moved and negatived, and (ii) the non-official Resolutions withdrawn by the Movers on assurances given by Government and the action taken thereon by Government during 1921-1932.

(b) The Honourable Member is referred to the reply given to Mr. Gaya Prasad Singh's starred question No. 528 asked on the 30th January, 1925. The practice regarding publishing such resolutions was, however, modified in 1931 and since then up to the end of 1932, 17 resolutions were disallowed by the Governor General.

(f) and (g). The Honourable Member is referred to the replies given to Mr. K. V. Reddy's starred question No. 994, asked on the 24th March, 1924, to Mr. C. Duraiswamy Ayyangar's starred question No. 68, asked on the 3rd February, 1927, to Khan Bahadur Haji Wajihuddin's unstarred question No. 179 asked on the 11th February, 1931, and to the statement laid on the table on the 10th February, 1932, by the Honourable Sir George Rainy containing the information promised in reply to starred question No. 105 asked by Mr. Rahimtoola M. Chinoy on the 3rd February, 1932, which give the information required for the period 1921-1931. The information in respect of the non-official resolutions adopted by the Legislative Assembly and the action taken on each of them during the year 1932 is given in the following statement No. III:



## I.

*Statement showing the number of non-official Resolutions admitted, moved and negatived in the Legislative Assembly during 1921-1932.*

|  | *Number<br>of<br>Resolutions<br>admitted. | Number<br>of<br>Resolutions<br>moved. | Number<br>of<br>Resolutions<br>negatived. | Remarks.   |
|--|---|---------------------------------------|---|--|
| Delhi Session 1921 . .                           | 120                                       | *25                                   | 7   | *In addition 15 Resolutions were moved by Sir Sivaswami Aiyar on a Government day in connection with the Esher Committee's Report. |
| Simla Session 1921 . .                           | 195                                       | 20                                    | 6   |  |
| Delhi Session 1922 . .                           | 221                                       | 35                                    | 10  |  |
| Simla Session 1922 . .                           | 229                                       | 9                                     | 3   |  |
| Delhi Session 1923 . .                           | 363                                       | 13                                    | 2   |  |
| Simla Session 1923 . .                           | 137                                       | 11                                    | 3   |  |
| Delhi Session 1924 . .                           | 403                                       | 18                                    | Nil.                                      |  |
| May—June Session and<br>September Session 1924 . | 647                                       | 4                                     | Nil.                                      |  |
| Delhi Session 1925 . .                           | 910                                       | 11                                    | 2   |  |
| Simla Session 1925 . .                           | 591                                       | 5                                     | Nil.                                      |  |
| Delhi Session 1926 . .                           | 340                                       | 8                                     | 2   |  |
| Simla Session 1926 . .                           | 105                                       | 4                                     | 2   |  |
| Delhi Session 1927 . .                           | 313                                       | 4                                     | Nil.                                      |  |
| Simla Session 1927 . .                           | 196                                       | 4                                     | Nil.                                      |  |
| Delhi Session 1928 . .                           | 174                                       | 7                                     | 2   |  |
| Simla Session 1928 . .                           | 140                                       | 4                                     | 1   |  |
| Delhi Session 1929 . .                           | 363                                       | 3                                     | 1   |  |
| Simla Session 1929 . .                           | 68  | 4                                     | Nil.                                      |  |
| Delhi Session 1930 . .                           | 250                                       | 9                                     | 1   |  |
| Simla Session 1930 . .                           | 15  | 3                                     | 1   |  |
| Delhi Session 1931 . .                           | 95  | 4                                     | Nil.                                      |  |
| Simla Session 1931 . .                           | 96  | 7                                     | 1   |  |
| November Session 1931 . .                        | Nil.                                      | Nil.                                  | Nil.                                      |  |
| Delhi Session 1932 . .                           | 57  | 6                                     | 4   |  |
| Simla Session 1932 . .                           | 71  | 6                                     | 2   |  |
| November—December Session<br>1932 . . . . .      | Nil.                                      | Nil.                                  | Nil.                                      |  |

*N.B.*—Prior to 1931, in cases where several Members gave notice of the identical Resolutions the notice by each Member has been counted as a separate Resolution.

II.

*Statement showing the non-official Resolutions withdrawn by the Movers on an assurance given by the Government during 1921—32 and action taken on such assurance.*

| Serial No. | Date on which moved and withdrawn. | By whom.                      | Subject of Resolution.   | Department concerned.                  | Action taken by Government.  |
|------------|------------------------------------|-------------------------------|--|--|--|
| 1          | 5th March, 1921                    | Mr. Naraindas Girdhar-das.    | English translation of accounts and state-ments of income sub-mitted to income-tax authorities in the Madras Presidency. | Finance Department (Central Revenues). | Assurance has been fulfilled. The Income-tax Department never call for English trans-lations of accounts kept in vernacular. Income-tax Officers are specially trained in reading accounts in the various vernaculars.   |
| 2          | 23rd March, 1921                   | Rao Bahadur T. Ranga-chariar. | Income-tax assessments.  | Finance Department (Central Revenues). | Assurance has been fulfilled. Under Section 86 of the Indian Income-tax Act, XI of 1922, a Commissioner is bound to refer a question of law to a High Court if re-quested by an assessee to do so. If he holds that there is no question of law, the assessee can move the High Court to direct him to state a case. |
| 3          | 26th March, 1921                   | Mr. K. G. Bagde               | Codification of Hindu Law  | Home Department                        | The Government of India obtained the opinions of local Governments, etc., and placed them in the library of the Indian Legislature. Government took no further action in the matter.   |

II—*contd.*

| Serial No. | Date on which moved and withdrawn. | By whom.               | Subject of Resolution.  | Department concerned.               | Action taken by Government.  |
|------------|------------------------------------|------------------------|---|-------------------------------------|--|
| 4          | 10th September, 1921               | Mr. N. M. Joshi        | Repeal of the Workmen's Breach of Contract Act and certain sections of the Indian Penal Code. | Home Department                     | The resolution was given effect to by Act III of 1925.   |
| 5          | 20th September, 1921               | Mr. B. Venkatapatiraju | Purity of administration in the various Departments of the Government of India.               | Home Department                     | In accordance with the assurance given by Government the necessity for greater vigilance was brought to the notice of the Departments of the Government of India and offices subordinate to the Home Department. The local Governments were also asked to examine the legal aspect with a view to amend the law on the subject if necessary and to submit suggestions in due course. |
| 6          | 28th September, 1921               | Mr. W. M. Hussanally   | Reserved Railway compartment for different communities.                                       | Railway Department (Railway Board). | Government gave an undertaking to address Railways with a view to the gradual elimination of reservation of inter and III class compartments for Europeans and Anglo-Indians. The necessary instructions were issued, and the reservations were more and more restricted till they were entirely abolished by the end of 1930.   |

The question whether any restrictions should be imposed on the export of manures and oil-seeds from India has since been examined by the Board of Agriculture in India, the Fiscal Commission, the Indian Taxation Enquiry Committee and the Royal Commission on Agriculture in India. The Government of India have considered the recommendations of those bodies and come to the conclusion that no case can be made out for the imposition of an export tax on oil seeds, oil-cakes, bones, bonemeal, fish manures and natural phosphates or for the prohibition of the export of those products.

On the constructive side, the Imperial Council of Agricultural Research is investigating the problems relating to the conservation of indigenous manurial resources and the development of the use of indigenous fertilisers and the preparation of a programme of research on fertilisers. The question of developing the oil-seed crushing industry is also receiving the attention of that Council.

Education, Health and Lands.

Export of manures and oil-seeds.

Mr. M. K. Reddi Garu

26th January, 1922.

## II—contd.

| Serial No. | Date on which moved and withdrawn. | By whom.               | Subject of Resolution.  | Department concerned.               | Action taken by Government.   |
|------------|------------------------------------|------------------------|---|-------------------------------------|---|
| 8          | 3rd February, 1922.                | Haji Wajihuddin .      | Committee of Enquiry on expulsion from Cantonments.                               | Army . . .                          | All cases were examined and a large number of persons who had been expelled were allowed to return soon after the assurance was given. Of the remainder, all, except two, were re-admitted to Cantonments in February, 1931.  |
| 9          | 23rd March, 1922 .                 | Mr. P. L. Misra . .    | Abolition of posts of Divisional Commissioners in the various Provinces of India. | Home . . .                          | The Government of India after examining the case fully decided to reject the proposal. The decision was also intimated to the Legislative Assembly in reply to a question by Mr. Gaya Prasad Singh on the 1st September, 1925.  |
| 10         | 10th March, 1923 .                 | Mr. W. M. Hussanally . | Reserved Railway compartments.  | Railway Department (Railway Board). | Government gave an undertaking to address Railways with a view to the gradual elimination of reservation of inter and III class compartments for Europeans and Anglo-Indians. The necessary instructions were issued and the reservations were entirely abolished by the end of 1930. |
| 11         | 24th March, 1923 .                 | Mr. K. Ahmed . .       | Reduction of Railway fares.   | Railway Department (Railway Board). | Government gave an assurance that the effect of the enhancement in fares, which had shortly before come into  |

operation, would be carefully watched and the fares would be reduced if they were found to be more than the traffic would bear. Necessary action was taken, and fares on most of the major Railways were reduced during the years 1926, 1927, 1928 and 1929, as soon as financial circumstances and favourable traffic conditions rendered such a course possible.

A Bill called "Indian High Courts Bill" dealing with part (a) of the resolution was introduced in Parliament in 1928, but it was not proceeded with. Part (b) has not been pursued.

In pursuance of the assurance given on this resolution, the Department of Industries and Labour addressed all the major local Governments in November, 1924, and remarked that, while flood protection and prevention were primarily provincial matters, the Government of India were prepared, in view of the importance of the subject, to assist the local Governments to the utmost extent of their powers—

(\*) whenever there was reason to believe that excessive floods were due to central works, such as Railways ;

|    |                      |                                |   |                                      |  |
|----|----------------------|--------------------------------|---|--------------------------------------|--|
| 12 | 19th February, 1924  | Dewan Bahadur T. Rangachariar. | Constitution of High Courts.                          | Home                                 |  |
| 13 | 24th September, 1924 | Mr. B. Das                     | Inquiry into the causes of recurring floods in India. | Department of Industries and Labour. |  |

II—*contd.*

| Serial No. | Date on which moved and withdrawn. | By whom. | Subject of Resolution. | Department concerned. | Action taken by Government.   |
|------------|------------------------------------|----------|------------------------|-----------------------|---|
| 13         | <i>—contd.</i>                     |          |                        |                       | <p>(ii) where assistance was required to obtain co-ordination between a Railway and the local authorities or between two provinces; and</p> <p>(iii) in any case in which technical advice was required which was not available locally.</p> <p>In 1927, the matter was again taken up by the Government of India who wrote to the local Governments recalling the correspondence of 1924 and explaining that the Government of India were anxious to do everything which lay in their power to assist the local Governments in investigating the problem of floods. Advantage has been taken, in particular cases, of the Government of India's offer of assistance.</p> |

|    |   |                 |  |  |  |
|----|---|-----------------|--|--|--|
| 14 | 23rd January, 1925<br>and 2nd September,<br>1925. | Mr. M. S. Aney  | Retransfer of Sylhet and<br>Cachar to Bengal.                            | Home                                   | <p>The papers were distributed. A Communiqué explaining the position was issued on the 16th June, 1926. The question was left over for consideration of the Statutory Commission. The Statutory Commission did not deal with it. They suggested the appointment of a Boundaries Commission. The position was clearly explained in the memorandum presented to the Indian Statutory Commission.</p>   |
| 15 | 8th February, 1930.                               | Mr. K. C. Neogy | Relations between Railway and Inland Steamer Services in Eastern Bengal. | Railway Department<br>(Railway Board). | <p>Government undertook to examine the whole question on receipt of a report from the Agent, Eastern Bengal Railway, who was already negotiating with the steamer companies with a view to arriving at a <i>modus vivendi</i>. The Agent's report which showed that a working arrangement had been arrived at, as far as practicable, was very carefully considered by Government and it was decided that no further action was possible, and that no useful purpose would be served by the appointment of a committee of enquiry as proposed by the Honourable the Mover.</p> |



II—*concl.*

| Serial No. | Date on which moved and withdrawn. | By whom.           | Subject of Resolution.                    | Department concerned.               | Action taken by Government.  |
|------------|------------------------------------|--------------------|---|-------------------------------------|--|
| 16         | 11th February, 1930                | Mr. M. R. Jayakar  | Central Medical Research Institute.       | Education, Health and Lands.        | In pursuance of the undertaking given during the course of discussion of Mr. Jayakar's Resolution in the Legislative Assembly on the 8th February, 1930, a Conference to consider the question of the location of the proposed Central Medical Research Institute and other matters was held in July, 1930. The Secretary of State was addressed in January 1932 and his reply has recently been received. A draft resolution announcing the conclusions reached by the Government of India and the Secretary of State on the various recommendations made by the Conference will be issued shortly. |
| 17         | 17th July, 1930                    | Mr. A. H. Ghuznavi | Coroner's inquiry into Railway accidents. | Railway Department (Railway Board). | Government undertook to obtain the views of the various local Governments and Administrations on the suggestions made by the Honourable the Mover. These views have been received and are under consideration.   |

|    |  |                                     |  |                                     |   |
|----|--|-------------------------------------|--|-------------------------------------|---|
| 18 | 29th January, 1931.                            | Mr. Muhammad Yamin Khan.            | Amendment of Legislative Assembly Electoral Rules.                                       | Home                                | The assurance was given that the particular aspects of the question that were dealt would receive the most careful consideration when the rules come up for review. The time for review has not yet come. |
| 19 | 17th September, 1931                           | Sardar Harbans Singh Brar.          | Powers of the Governor General under the new constitution.                               | Home                                | A copy of the proceedings of the House was forwarded to the Secretary of State for India for his information.   |
| 20 | 17th September, 1931 and 22nd September, 1931. | Sir Mohammad Yakub                  | Control of money lending and rates of interest.  | Home                                | Local Governments have been consulted. Some replies are still outstanding.  |
| 21 | 7th September, 1932                            | Mr. Muhammad Muazzam Saheb Bahadur. | Revision of time scales of pay.  | Finance                             | The matter is under consideration.  |
| 22 | 15th September, 1932 and 22nd September, 1932. | Mr. A. H. Ghuznavi                  | Constitution of a Board for purchase of coal and looking after State Railway collieries. | Railway Department (Railway Board). | The matter is still under consideration. It is to be referred to the Public Accounts Committee; date of the meeting not yet known.  |

## III.

*Statement showing the non-official Resolutions adopted by the Legislative Assembly during 1932 and action taken by Government thereon.*

| Serial No. | Date on which moved. | By whom.            | Subject of Resolution.                            | Department concerned. | Action taken by Government.   |
|------------|----------------------|---------------------|---|-----------------------|---|
| 1          | 27th January, 1932.  | Sir Hari Singh Gour | <i>Re</i> Chief Justices of High Courts in India. | Home                  | The Government of India forwarded copies of the resolution and of the debates thereon to the Secretary of State for transmission to His Majesty's Government. |
| 2          | 10th February, 1932  | Mr. B. R. Puri      | Establishment of a Supreme Court in India.        | Home                  | The Government of India forwarded copies of the resolution and of the debates thereon to the Secretary of State for transmission to His Majesty's Government. |
| 3          | 7th September, 1932  | Dr. Zia Uddin Ahmad | Rate for Coastal port passenger traffic.          | Commerce              | No action has yet been taken by Government.   |

The Honourable Sir Harry Haig (Home Member): Sir, I lay on the table the information promised in reply to starred question No. 356 asked by Pandit Satyendra Nath Sen on the 16th September, 1932.

\*356.

# PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

Statement showing the number of prosecutions under the Child Marriage Restraint Act, 1929, in the various provinces during the period from 1st April, 1930 to 31st August, 1932.

|               | Number of Prosecutions. | Number of cases which ended in conviction including the number of cases in which action was taken under Sec. 562, Cr. Procedure Code. | Number of cases in which imprisonment was awarded. | Number of cases in which a sentence of both fine and imprisonment was awarded. | Number of cases dismissed or in which the accused were acquitted. | Number of cases Pending. |
|---------------|-------------------------|---|--|--|---|--------------------------|
| Madras        | 32                      | 14  | ..   | 4  | 10  | 8                        |
| Bombay        | 32                      | 17  | ..   | ..   | 9   | 6                        |
| Bengal        | 41                      | 9   | ..   | 2  | 26  | 6                        |
| U. P.         | 110                     | 38  | 2  | ..   | †55   | 17                       |
| Punjab        | 146                     | 40  | 2  | †4   | 65  | 41                       |
| Burma         | 3                       | ..  | ..   | ..   | 3   | ..                       |
| B. & O.       | 52                      | 20  | ..   | 1  | 24  | 8                        |
| C. P.         | 40                      | 24  | ..   | ..   | 7   | 9                        |
| Assam         | 1                       | ..  | ..   | ..   | 1   | ..                       |
| N. W. F. P.   | 4                       | 1   | ..   | ..   | 1   | 1                        |
| Coorg         | ..                      | ..  | ..   | ..   | ..  | ..                       |
| Delhi         | 6                       | ..  | ..   | ..   | 4   | 2                        |
| Ajmer-Merwara | 6                       | 4   | 1  | 1  | 2   | ..                       |
| Baluchistan   | ..                      | ..  | ..   | ..   | ..  | ..                       |
| Total         | 473                     | 167   | 5  | 12   | 207   | 98                       |

† Includes 3 cases which were withdrawn and 1 case which was compromised.

‡ Except in one case terms of imprisonment were "till the rising of the Court".

§ In one case the accused was warned.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I lay on the table:

- (i) the information promised in reply to starred questions Nos. 1550 and 1551 asked by Bhai Parma Nand on the 5th December, 1932; and
- (ii) the information promised in reply to parts (a) and (b) of starred question No. 1687 asked by Mr. M. Maswood Ahmad on the 14th December, 1932.

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**RECRUITMENT OF STAFF BY THE SUPERINTENDENT OF POST OFFICES,  
DERAJAT DIVISION.**

\*1550. (a) No direct recruitment has been made but three departmental officials have been promoted all of whom are Muslims. Two of them were nominated on the 18th May, 1931, and the remaining one on the 8th August, 1931. All were examined on the 6th September, 1931.

|  | Hindus. | Sikhs. | Muslims. |
|--|---------|--------|----------|
| (b) Number of officials—                     |         |        |          |
| (i) in non-clerical superior grade . . . . . | 13      | 1      | 117      |
| (ii) in lower grade . . . . .                | 8       | ..     | 74       |
| (iii) Number of candidates—                  |         |        |          |
| in non-clerical superior grade . . . . .     | 1       | 1      | 8        |
| in lower grade . . . . .                     | 11      | 3      | 46       |

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**RECRUITMENT OF STAFF BY THE SUPERINTENDENT OF POST OFFICES,  
DERAJAT DIVISION.**

\*1551. Yes; 119 applicants were examined, of whom one only, a Muslim, was declared successful.

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**RETRENCHMENT IN THE PUNJAB POSTAL CIRCLE.**

\*1687. (a) and (b). No; 51 selection grade officials were retrenched, of whom 17 Hindus, three Muslims and four Sikhs were 55 years of age or more. Of the remaining 27, Six Hindus, 17 Muslims and one Sikh had over 30 years' service, two Hindus retired voluntarily and one Muslim was retrenched for consistently unsatisfactory work.

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**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I lay on the table the information promised in reply to starred question No. 1592 asked by Sirdar Sohan Singh on the 6th December, 1932.

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**DESIRABILITY FOR EFFECTING ECONOMY IN CANTONMENTS OF THE  
SOUTHERN COMMAND.**

\*1592. (a) Yes.

(b) It would involve a great deal of time and labour to collect the detailed information required by the Honourable Member, but I can assure him that all the Cantonments mentioned in the question are now self-supporting.

**Mr. H. A. F. Metcalfe** (Foreign Secretary): Sir, I lay on the table the information promised in reply to starred questions Nos. 1257 and 1259 to 1262 asked by Seth Haji Abdoola Haroon on the 16th November, 1932.

**MONOPOLY BY NON-LOCAL EMPLOYEES IN THE GOVERNMENT DEPARTMENTS OF BALUCHISTAN.**

\*1257. (a) The reply is in the negative.

(b) and (c). A statement is placed on the table. It should be explained that a high percentage of "non-locals" consists of individuals born and educated in Baluchistan.

(d) None of the Guards working on the Quetta division is a local man whereas in the Ministerial Branch there is only one local clerk.

*Statement showing establishments employed in Baluchistan.*

| Serial No. | Name of appointment.                    | Locals.    | Non-Locals. | Total.     |
|------------|---|------------|-------------|------------|
| 1          | <i>Political Department.</i>            |            |             |            |
|            | Extra Assistant Commissioners . . . . . | 5          | 20          | 25         |
|            | Tahsildars . . . . .                    | 5          | 12          | 17         |
|            | Naib Tahsildars . . . . .               | 13         | 17          | 30         |
|            | Superintendents . . . . .               | ..         | 22          | 22         |
|            | Senior Assistants . . . . .             | 3          | 57          | 60         |
|            | Junior Assistants . . . . .             | 14         | 119         | 133        |
|            | Vernacular Assistants I . . . . .       | 3          | 24          | 27         |
|            | Vernacular Assistants II . . . . .      | 21         | 65          | 86         |
|            | Post Munshis . . . . .                  | 3          | 19          | 22         |
|            | Levy Muharrirs . . . . .                | 44         | 63          | 107        |
| 2          | <i>Intelligence Bureau.</i>             |            |             |            |
|            | Superintendents . . . . .               | ..         | 1           | 1          |
|            | Junior Assistants . . . . .             | ..         | 1           | 1          |
| 3          | <i>Irrigation Department.</i>           |            |             |            |
|            | Superintending Engineer . . . . .       | ..         | 1           | 1          |
|            | Assistant Executive Engineer . . . . .  | ..         | 1           | 1          |
|            | Clerks . . . . .                        | ..         | 9           | 9          |
|            | Draftsmen . . . . .                     | ..         | 2           | 2          |
|            | Upper Subordinates . . . . .            | ..         | 5           | 5          |
|            | Subordinates . . . . .                  | ..         | 4           | 4          |
|            | Mechanic . . . . .                      | ..         | 1           | 1          |
|            | Tracers . . . . .                       | ..         | 2           | 2          |
|            | Mistri . . . . .                        | ..         | 1           | 1          |
| 4          | <i>Excise Department.</i>               |            |             |            |
|            | Superintendent . . . . .                | ..         | 1           | 1          |
|            | Excise Inspectors . . . . .             | ..         | 4           | 4          |
|            | Clerks . . . . .                        | ..         | 1           | 1          |
|            | Detectives . . . . .                    | 2          | 1           | 3          |
| 5          | <i>Military Engineering Services.</i>   |            |             |            |
|            | Assistant Engineer . . . . .            | ..         | 1           | 1          |
|            | Sub-Divisional Officers . . . . .       | ..         | 16          | 16         |
|            | Sub-Overseers . . . . .                 | ..         | 42          | 42         |
|            | Superintendents E. M. . . . .           | ..         | 6           | 6          |
|            | Storekeepers . . . . .                  | ..         | 8           | 8          |
|            | Clerks . . . . .                        | ..         | 114         | 114        |
|            | Draftsmen . . . . .                     | ..         | 21          | 21         |
| 6          | Quetta Municipality . . . . .           | 1          | 43          | 44         |
|            | <b>Total</b> . . . . .                  | <b>114</b> | <b>704</b>  | <b>818</b> |

## STAFF WORKING IN THE CIVIL DEPARTMENTS OF BALUCHISTAN.

\*1259. The information required has been embodied in the statement referred to in the reply to question No. 1257.

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## SUPERIOR POSTS IN THE GOVERNMENT DEPARTMENTS OF BALUCHISTAN.

\*1260. Government have no reason to think that that is the case.

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## UNPAID OR TEMPORARILY PAID LOCAL CANDIDATES IN THE REVENUE COMMISSIONER'S AND SUBORDINATE OFFICES IN BALUCHISTAN.

\*1261. No local candidate in the offices mentioned is at present unpaid and no candidate has been unpaid or temporarily paid for a period of 7 or 8 years. Qualified candidates obtain permanent vacancies when they occur and none are deprived of their legitimate rights.

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## ADEQUATE REPRESENTATION OF LOCAL PEOPLE IN THE VARIOUS GOVERNMENT DEPARTMENTS OF BALUCHISTAN.

\*1262. (a) and (b). The answers are in the negative.

(c) It has always been the policy of Government to encourage the recruitment of the indigenous inhabitants of Baluchistan in Government services, due regard being had to the qualifications of candidates and the efficiency of the Administration. Government is satisfied that this policy is being carried out.

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**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred questions Nos. 1574 and 1575 asked by Mr. S. G. Jog on the 5th December, 1932;
  - (ii) the information promised in reply to starred question No. 1169 asked by Mr. M. Maswood Ahmad on the 14th November, 1932;
  - (iii) the information promised in reply to starred question No. 1586 asked by Kunwar Hajee Ismail Ali Khan on the 5th December, 1932;
  - (iv) the information promised in reply to unstarred question No. 64 asked by Mr. K. C. Neogy on the 27th September, 1932; and
  - (v) the information promised in reply to starred question No. 1323 asked by Mr. S. G. Jog on the 21st November, 1932.
- 

## SUSPENSION OF THE RECOGNITION OF THE GREAT INDIAN PENINSULA RAILWAY WORKERS' UNION.

\*1574. (a) Yes.

(b) No. Government have not been able to trace such a statement in the report referred to by the Honourable Member.

(d) No. The other part of the question does not arise.

(f) No. It is within the discretion of an Agent of a railway to grant recognition to a particular union on his line or withdraw recognition from a union recognised by him.

\*1575. (a) Government understand that the disciplinary action taken against the employees referred to was in consequence of offences against ordinary rules.

(c) Government understand that Mr. Kulkarni, was put off duty on the 2nd January, 1930, because it was not considered safe on medical grounds for him to remain on duty.

(d) Government have examined, in consultation with the Agent, Great Indian Peninsula Railway, the cases referred to and they do not see any reason to alter the action taken by him.

(e) The facts are as follows :

In a letter dated the 18th of February, 1931, addressed to the Railway Board, the General Secretary of the All-India Railwaymen's Federation mentioned Mr. Kulkarni's case and stated he had been treated as discharged although he had offered himself for medical examination before the last date allowed for the Great Indian Peninsula strikers in the Government of India Communiqué of 1st March, 1930. On these grounds the Federation asked that he should be reinstated. The matter was referred to the Agent, Great Indian Peninsula Railway for his observations and he replied that Mr. Kulkarni did *not* offer to return to duty during, or subsequent to, the strike up to the date he was registered as discharged from service, namely, 21st May, 1930. Owing to a misunderstanding a reply to this effect was not sent to the All-India Railwaymen's Federation and a reply has since been issued.

\*1169. (a) Armed Guards are employed to guard the armouries at the following stations on the East Indian and Eastern Bengal Railways :

### East Indian Railway—

|               |   |   |   |   |   |   |   |   |
|---------------|---|---|---|---|---|---|---|---|
| Lillooah .    | . | . | . | . | . | . | . | . |
| Asansol .     | . | . | . | . | . | . | . | . |
| Jamalsore .   | . | . | . | . | . | . | . | . |
| Dinapore .    | . | . | . | . | . | . | . | . |
| Gaya .        | . | . | . | . | . | . | . | . |
| Dhanbad .     | . | . | . | . | . | . | . | . |
| Moghalsarai . | . | . | . | . | . | . | . | . |

Since 1930.



**Eastern Bengal Railway—**

Sealdah . . . . . Since 1931.

Armed guards for treasuries have been provided at all the Divisional head-quarters for many years on the East Indian Railway and at Sealdah on the Eastern Bengal Railway.

(b) In the case of the armoury guards no extra expense is occasioned to the Railways, as all extra cost by way of ration allowance and Military duty pay is borne by the Military Department.

In the case of treasuries the cost of the armed guards at the various stations on the average is Rs. 1,800 per annum.

On the Eastern Bengal Railway where all collections are concentrated in one treasury only at Sealdah, the cost is about Rs. 8,500 per annum.

(c) Information regarding communal composition is not available.

(d) and (e). On the East Indian Railway, the guards are supplied by the Local Governments or the Auxiliary Force and their composition varies from time to time consequently their rates of pay differ.

The present system on the Eastern Bengal Railway is temporary. The scales of pay are as follows :

|                                    |             |
|------------------------------------|-------------|
| Assistant Sub-Inspector . . . . .  | Rs. 50—2—60 |
| Naiks . . . . .                    | „ 30—2—40   |
| Armed Guards and Escorts . . . . . | „ 25—1—28   |

**Qualifications—**

*Naik*.—Ex-soldiers of good character, having good record, or Ex-Policemen of good character having good record of service, conversant in the use of arms.

These posts were not advertised as suitable men with requisite qualifications were available in the Watch and Ward Department of the Eastern Bengal Railway, to which Department this work has been entrusted since 1st April, 1932.

(f) As far as I am informed these duties were never undertaken by Government Railway Police.

**PREFERENTIAL TREATMENT IN THE SUPPLY OF UNIFORMS ON THE NORTH  
WESTERN RAILWAY.**

\*1586. (a) Uniforms are supplied to the running staff twice a year, viz., Winter and Summer, according to Revised Dress Regulations and this year winter uniforms have been supplied accordingly on Delhi division.

(b) All running staff on the Delhi Division are receiving winter uniforms on the new scales and no discrimination is made between staff of different religions.

(c) Does not arise.

**TREATMENT OF THE EAST INDIAN RAILWAY SCHOOLS AS “OUTSIDERS” IN THE  
MATTER OF RENTS OF BUILDINGS, ETC.**

64. (b) No. Railway schools proper are not treated as outsiders for the purpose of rent.

(c) and (d). Do not arise.

## GRANT OF ADVANCES TO THE RAILWAY EMPLOYEES FROM THE STATE RAILWAY PROVIDENT FUND.

\*1323. (a) 2nd March, 1932.

(b) (i) 437 applications were forwarded to the Agent, Great Indian Peninsula Railway up to 31st July, 1932.

(ii) 304 applications were rejected by the Heads of Departments.

(iii) 28 applications were rejected by the Divisional Officers.

(c) 314 applications were sanctioned by the Agent, Great Indian Peninsula Railway up to 31st July, 1932. The details are as under :

|                                | Applied for. |          | Sanctioned. |         |
|--------------------------------|--------------|----------|-------------|---------|
|                                | No.          | Amount.  | No.         | Amount. |
|                                |              | Rs.      |             | Rs.     |
| <b>Europeans—</b>              |              |          |             |         |
| Officers . . . . .             | 6            | 13,266   | 5           | 9,460   |
| Upper-Subordinates . . . . .   | 16           | 12,930   | 13          | 6,780   |
| Subordinates . . . . .         | 1            | 400      | 1           | 120     |
| Total, Europeans . . . . .     | 23           | 26,596   | 19          | 16,360  |
| <b>Anglo-Indians—</b>          |              |          |             |         |
| Officers . . . . .             | 1            | 1,600    | 1           | 960     |
| Upper-Subordinates . . . . .   | 16           | 9,717    | 12          | 4,500   |
| Subordinates . . . . .         | 12           | 3,714    | 7           | 1,360   |
| Total, Anglo-Indians . . . . . | 29           | 15,031   | 20          | 6,820   |
| <b>Indians—</b>                |              |          |             |         |
| Officers . . . . .             | 1            | 1,650    | ..          | ..      |
| Upper-Subordinates . . . . .   | 10           | 5,470    | 10          | 3,500   |
| Subordinates . . . . .         | 371          | 56,329   | 262         | 21,488  |
| Inferior servants . . . . .    | 3            | 200      | 3           | 60      |
| Total, Indians . . . . .       | 385          | 63,649   | 275         | 25,048  |
| <b>Grand Total—</b>            |              |          |             |         |
| Officers . . . . .             | 8            | 16,516   | 6           | 10,420  |
| Upper Subordinates . . . . .   | 42           | 28,117   | 35          | 14,780  |
| Subordinates . . . . .         | 384          | 60,443   | 270         | 22,968  |
| Inferior servants . . . . .    | 3            | 200      | 3           | 60      |
| Total . . . . .                | 437          | 1,05,276 | 314         | 48,228  |

(d) The amount sanctioned in every case was equal to 12 times the cut in pay of the employee concerned.

## RESOLUTION RE SOUTH INDIAN INFANTRY BATTALIONS.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Sir, on the 22nd of September, in the Simla Session, I moved the following Resolution:

"That this Assembly recommends to the Governor General in Council that the South Indian Infantry Battalions be again raised in the Madras and Bombay Presidencies."

I got an opportunity that day of moving the Resolution at the very fag end of the day and, therefore, I could not finish my speech. Therein I stated how the battalions were started first in the Madras Presidency and then in the Bombay Presidency and what their constitution was in the palmy days of the Madras and Bombay armies.

At one time, the Madras Army was over 50,000 strong and the Bombay Army was equally numerous and they gave a very good account of themselves in the wars which were carried on by the East India Company in India and also outside India. It was the Madras Army which distinguished itself in the wars first of all with the Mahrattas and, in the epoch making battle of Assaye, it was the Madras Army that bore the brunt of the battle and won, so to say, the Empire of India from the Mahrattas and it was again the Madras Army that distinguished itself in the battle of Argaon against the Bhonsles of Nagpur. The record of the Bombay Army too is not a meagre one. It is worthy to be borne in mind that in those days the armies were mostly recruited from what are now called the depressed classes. The Madras pariah and the mahar of Bombay were very prominent in the armies of those days and their deeds have been noted and their names are engraved even on pillars of stone. On the pillar of stone, erected about 16 miles from Poona to commemorate the battle of Koregaon, the names of valiant mahars are discernible even today. But, strange to say, when recruits of a higher class became available, the military policy of the Government of India changed and the desire became general to confine enlistment to the high class races exclusively, to whom certain other classes, that

12 Noon. had supplied such good soldiers, were beneath contempt as fellow-men. On account of the social prejudice against these men, it was necessary to discontinue the enlistment of the lower castes in the same regiment. The army came to consist largely of the better-class men who were chiefly the yeomen peasants of the country and, from that day, Sir, the depressed classes fell on very bad days. The Madras pariah continued to be recruited in the Sappers and Miners regiments, which were latterly called the Pioneer regiments. But even these regiments are now being disbanded, and there is no knowing whether it is the intention of the army authorities to keep the untouchable at a great distance. The mahars of the Bombay Presidency also have fared in the same way, and a career in the army for them is denied. It is very regrettable, Sir, that the British Government, which owe so much to the valour and fidelity of these classes when no other communities flocked to the standard of the East India Company, should, when the times are changed and they are secure in their possession of the Empire of India, forget their former faithful servants and refuse them admission into the army. It is well-known, Sir, that the armies of India are now recruited mostly from the Punjab and Northern India, and that the martial races of Southern India receive very scanty consideration. The condition of the Bombay Presidency is not so bad. The army is still

recruited from my community there, and my intention in moving this Resolution is not to gain any further advantage for my community, but I am urging the claims of other communities which are excluded from service in the army.

Latterly, Sir, the commissioned ranks have been opened to Indians, and admission into the commissioned ranks is by two doors. One is the competitive examination held twice a year and through which at present 15 candidates are taken into the Dehra Dun Academy every six months. The other door is to rise through the ranks. But, unless a young man is eligible for recruitment into the regular army, he will not be eligible for rising through the ranks and secure admission into the Dehra Dun Academy. I think this is not fair at all as only one door will be open for them. It is well-known that most of the communities, except the few advanced ones, are very backward in education, and, therefore, if a young man from such communities aspires to military service, it will be very difficult for him to acquire the necessary educational qualification before he completes the age of 19 or 20 years. The only chance for such a young man is by first of all taking up service in the ranks and then working his way up. But, as is well known, many of the communities in India are not recruited to the ranks at all and, therefore, the young men of those communities have got no chance of working their way up by first joining the army. I, therefore, claim that this injustice which is now being done to the communities of Southern India should be done away with by recruiting one or two regiments from these places, that is, all communities should be eligible for military service. I, therefore, move, Sir, that in recognition of the past services of the troops of the South of India, especially in the Madras Presidency and in the Bombay Presidency, the Army Department ought to provide some means, whereby their military traditions will be preserved and they will not lose their dignity. Sir, the soldiers of the Madras Presidency have many inherent military qualities. They shoot well, drill well and stand well under arms, 'and, so far as this part of their professional requirements go, foreign critics have been known to say that it was not till they got to Madras that they saw regular military soldiers'. But all this tradition is now a thing of the past. (*A Voice*: "What is that book?") The book is called "The Armies of India", written by Mr Levett and Major MacMunn, D.S.O. I, therefore move, Sir:

"That this Assembly recommends to the Governor General in Council that the South Indian Infantry Battalions be again raised in the Madras and Bombay Presidencies."

**Mr. Deputy President** (Mr. R. K. Shanmukhain Chetty): Resolution moved:

"That this Assembly recommends to the Governor General in Council that the South Indian Infantry Battalions be again raised in the Madras and Bombay Presidencies."

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I rise to support this Resolution. It is a fact that the Madras regiments have had a very good record of service. The traditions of the Madras Army also are great. But, notwithstanding all their past record and past services, the Government have disbanded some regiments and the policy which underlay the disbandment of the Madras soldier

[Mr. B. Sitaramaraju.]

I shall refer to later. I would like the House, Sir, to remember that in the whole of India today we find that not only are the South Indian regiments disbanded, but the recruiting ground for the army has been confined only to a third of the country from the point of view of area. There is no necessity, nor is there any justification for the monopoly of military service to be restricted entirely to the north-western part of India.

Sir, but for the Madras regiments and other South Indian regiments, I am sure, we would not be discussing this question today on the floor of this House. Sir, these regiments are responsible for the British Government securing for the British this great Empire in the East. Till the conquest of the Punjab, the battles of the British Government in this country were fought by the Madras and South Indian regiments. If I were to say that this act of justice ought to have been done long ago and that the Government were not faithful in disbanding the regiments who served them so well, motives might be attributed to me. But, Sir, I would like to point out one passage from the despatch of the Government of Madras issued as recently as 1930. This despatch contains the views of the Local Governments on the recommendations of the Indian Statutory Commission of 1930. On page 18, the Government of Madras state as follows:

"There is one other matter connected with the army upon which the Madras Government wish to lay stress, *viz.*, the need for the revival of the old Madras regiments. In Volume I, paragraph 116 of the Report, the Commission notices the remarkable variations in the contributions which provinces make to the Indian army. The Government of Madras would remind the Government of India that the pre-eminence of the Punjab and the United Provinces as recruiting grounds for the army is comparatively recent, and has been a natural consequence of the gradual reduction of the old Madras Army till there are now only three Madras regiments left. The Madras Army has a fine record of gallant and loyal service, and military traditions are still strong in many parts of the Madras Presidency. If the North India recruit is admittedly superior in physique, the Madrasi claims superiority in intelligence, which is likely to count far more in the future than it has done in the past.

The Government of Madras consider that the interest of the Province demands that the military tradition and the proved military capacity of the Madrasi should be recognised by the restoration of the old Madras regiments. So long as the army is an Imperial concern, it is obviously desirable that it should be associated by recruitment with as wide an area as possible; and the revival of the Madras regiments may also help towards the attainment of the goal mentioned in Volume II, paragraph 211 of the Report, the possession by a self-governing India of military forces of its own; for the fact that at present such an overwhelming proportion of the army is recruited from the Punjab and the United Provinces is one of the obstacles to the formation of an Indian National Army on which the Commission has laid stress."

Sir, this is not an irresponsible statement made by a Member of the Opposition, but it is the statement made by the Government of Madras. After this I doubt very much if the Government would still consider that they have any reasons for not reviving the Madras regiments. If the Government of India are sincere in saying that the Indian people should have a national army of their own and they should be trained for defence purposes in view of the constitutional advances that are likely to be conferred on them resulting in a self-governing India, then, I doubt very much if the Government can have any justification to refuse the reconstitution of these regiments. Although I entirely agree with the remarks made by the Government of Madras, I have one slight objection to one particular passage. That is with regard to the admission of men of inferior physique. Even in the matter of physique, it has been

repeatedly demonstrated that there are in the uplands of Southern India races which, for endurance and for physique, can be compared to the best races in the United Provinces and the Punjab.

**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Question.

**Mr. B. Sitaramaraju:** My Honourable friend, Mr. Yamin Khan, questions that statement of mine. I am sorry I have not got the book with me at the moment, but I would request him to see page 39 of the current issue of the "India" for the correctness of my statement.

**Mr. Muhammad Yamin Khan:** Books are not criterion.

**Mr. B. Sitaramaraju:** I am afraid the knowledge of my friend, Mr. Yamin Khan, about the type of people of South India is absolutely limited. I daresay that he has never seen Madrasis except a few Members of the Legislative Assembly who are not here to represent the Army types of the South Indian peoples.

**Mr. Muhammad Yamin Khan:** I see all the types of people here.

**Mr. B. Sitaramaraju:** My Honourable friend thinks that the Members of the Assembly represent the Army types of Madras. The question is not that the people of Southern India or of Bombay or, even, for the matter of that, of Bengal lack the physique required for the purpose of the army. Assuming for a moment that they do lack it, then, as has been remarked by the Government of Madras, it is the intelligence which counts, more so in the future modern warfare. However, during the years of the Great War, the Indian contribution to War was as follows:—

|  |        |
|--|--------|
| Madras . . . . .                       | 92,000 |
| Bombay . . . . .                       | 71,000 |
| Bengal . . . . .                       | 59,000 |
| North-West Frontier Province . . . . . | 45,000 |
| Baluchistan . . . . .                  | 2,000  |
| Burma . . . . .                        | 18,000 |
| Bihar and Orissa . . . . .             | 41,000 |
| Central Provinces . . . . .            | 15,000 |
| Assam . . . . .                        | 15,000 |
| Ajmer-Merwara . . . . .                | 8,000  |

After the United Provinces and the Punjab, the largest contribution to the Great War was made by Madras.

**Mr. Muhammad Yamin Khan:** Was this contribution made for the fighting units or for the labour corps?

**Mr. B. Sitaramaraju:** The statement that I have just read out was the Indian contribution to the War, combatants as well as non-combatants.

[Mr. B. Sitaramaraju.]

But, if my friend wants a distinction to be made, I have also got the figures of the combatants which are as follows:

|                   |   |   |   |   |   |   |   |   |   |   |        |
|-------------------|---|---|---|---|---|---|---|---|---|---|--------|
| Madras            | . | . | . | . | . | . | . | . | . | . | 51,223 |
| Bombay            | . | . | . | . | . | . | . | . | . | . | 41,274 |
| Bengal            | . | . | . | . | . | . | . | . | . | . | 7,117  |
| Baluchistan       | . | . | . | . | . | . | . | . | . | . | 1,761  |
| Burma             | . | . | . | . | . | . | . | . | . | . | 14,094 |
| Bihar and Orissa  | . | . | . | . | . | . | . | . | . | . | 8,576  |
| Central Provinces | . | . | . | . | . | . | . | . | . | . | 5,374  |
| Assam             | . | . | . | . | . | . | . | . | . | . | 9,042  |
| Ajmer-Merwara     | . | . | . | . | . | . | . | . | . | . | 7,341  |

I have already said that the largest contribution was that of the United Provinces and the Punjab, namely, 163,000 and 349,000, respectively. But Madras certainly stands the third in the list. Again, when we compare the same contribution, we would see that, with the exception of the Punjab, the United Provinces and Bombay, the contribution of Madras is about double that of the other provinces and several times that of them if we take the contribution of combatants. If the recruitment in the Punjab is much more than the recruitment in Madras during the war, perhaps we had not got a man of the recruiting methods of Sir Michael O'Dyer to recruit a large army. Whatever that may be, the point remains that so far as Madras is concerned, not only in the past, but also in the present, the province has contributed largely to the Army whenever the Empire was in danger. It is not just and proper that the military talents of the various provinces in India should not be allowed to be tapped. Sir, a fair share of the army should be contributed by all the provinces in India and, for the future betterment of our country, it is absolutely necessary that recruitment should be as much broad-based as possible. With these few words, I support the Resolution.

**Kunwar Raghubir Singh** (Agra Division: Non-Muhammadan Rural): Sir, I extend my whole-hearted support to the Resolution moved so ably by my Honourable friend, Mr. Jadhav. When the question of self-government or other powers to be given to Indians comes up before Government, they say that the people are not able to defend themselves. But how can they defend themselves if they are not given opportunities for being trained in the army and the use of arms? Since the people have been disarmed, they have become weak unwarlike, and unfit to serve the King and country in times of emergency.

Sir, the Nayyars of Madras and the Mahrattas of Bombay have been very good soldiers in the past. So, it is an anomaly that they should not be kept on the serving list. Now, Sir, the army at present consists almost wholly of Punjabis, and people of other provinces are classed as non-martial and that is only because they have not been taken in the army. Had the old practice been continued, this unnatural division into martial and non-martial would not have arisen. They will become martial as soon as they are given a chance to serve in the army as they did before. Thirdly, to remove the stigma, Mr. Jadhav deserves the thanks of the House for bringing in this Resolution. If the Resolution is carried, it would be unnecessary to look to other countries for the supply of our soldiers. Fourthly, the cost of the upkeep of the battalions will be

considerably lower than what is incurred on the white battalions, because they can live on rice, gram or *chana* which are very cheap grains. In the wake of British annexation, as we see from histories written by British writers themselves, they lived on rice water, while they gave the rice to their British officers. Fifthly, the British army of occupation will be reduced to an appreciable extent and so the money spent on them will remain in the country. The people of these Presidencies, namely, Bombay and Madras, will think that Government have bestowed a favour on them which they had lost by their disbandment. In fact, they ought never to have been disbanded. Sir, I think it was in the interests of retrenchment that these regiments were disbanded. Whenever the question of retrenchment comes, it always affects Indians which is a wrong policy. The retrenchment axe should fall on foreigners in equity and justice, and if the Britisher has more regard for his own kith and kin, we also have more for our own; hence I strongly support this Resolution before the House.

**Shaikh Sadiq Hasan** (East Central Punjab: Muhammadan): Sir, in the very beginning, I plead ignorance of the subject, because I do not know whether there are at present any Madrassi regiments or not. But it appears that Madras and Bombay people are not taken in the army. So it is a matter of real surprise to me, because, after all, in the army, as in many other things, tradition does count. If one studies the history of the mediæval ages, one would find that great kingdoms like Bahmini and Vijaynagar existed in the South and in those days the might of the Afghan kings of the North could not conquer the Bahmini kingdom of the Deccan.

**Mr. Muhammad Yamin Khan:** Who were the Bahmini kings?

**Shaikh Sadiq Hasan:** They were Mussalmans, but all the same the men who were recruited did not come from Afghanistan, but they were Mussalmans of those places and some Hindus also. (Interruption by Mr. Muhammad Yamin Khan.) I suppose my friend is ignorant of the fact that the people who fought under the Bahmini kings were convert Mussalmans, and he is also ignorant of the fact that, two kingdoms, out of five which were established after the Bahmini dynasty were ruled by converts from Hinduism. I consider that when a man becomes a Mussalman, he inherits the traditions of Islam and it is not necessary that the recruit should come from Afghanistan or Turkestan.

Well, Sir, I was just saying about these mediæval ages in the 15th and 16th centuries. These kingdoms used to have armies over hundreds of thousands men and there used to be great wars in those days. If they were not fighting people, how was it possible to raise these big armies? Later on, when Lord Clive came to India, it was with the help of these Madras troops that he conquered the South. He did not bring any man from the North, but got men from the South. Bussey's army also consisted of people from the South. The battle of Plassey, as is known to many people, was won with the help of men from the South. I am not saying anything against the people of the North; I am a Northerner myself and, I say, the people of the North are certainly very brave people and great fighters. But, all the same, it does not mean that the people of the South have never had any military traditions. What I say is that all these



[Shaikh Sadiq Hasan.]

conquests would have been impossible if these Southern people had not been courageous fighters. I really cannot understand why the people of the South should be deprived of the privilege of joining the army.

Now, take the case of the Moplas. I think there are no braver or fiercer people than the Moplas of the South, and it is really unfair to deprive them of the privilege of joining the army. I would consider it narrow-mindedness on the part of my Honourable friends of the North if they consider themselves to be privileged people who only should be allowed to join the army, and look down upon the people of the South when they desire the same. It is not a fair way of doing things and, with these few words, I strongly support the Resolution.

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official): Sir, I have great sympathy with the Mover and the supporters of this Resolution. Sir, the question of the relation between the organisation of India's forces of defence and nationalist aspirations is probably the most crucial and difficult of all the problems with which the country is at present confronted. I make bold to say that the proportion of the population which is more conscious of belonging to an Indian nation than to a particular race or class or creed or community is still small and may indeed become smaller when the power of the British is reduced, since many of those, who call themselves nationalists, have little in common beyond their dislike of the dominant foreigner. The force of their arguments is weakened by the fact that they and their kind as a rule have themselves neither aptitude nor inclination for a military career. But they persistently demand in the first place that the commissioned ranks of the regular army should be rapidly Indianised; secondly, that an endeavour should be made to extend the scope of recruitment by enlisting troops from races other than those which the military authorities have been accustomed to consider martial classes; and, thirdly, that the existing facilities for giving Indians some military training in the territorial force should be improved.

As regards the first demand, Sir, His Excellency the Commander-in-Chief has been good enough to take sixty cadets per year in the King's Commissioned ranks of the regular army which is over 55 per cent. of the number of cadets required per annum. I believe this is more than meeting their demand. As one speaking with some inner knowledge of the Indian army, I wish to assure the Honourable House that anything beyond this number will seriously hamper the efficiency of the army.

As to the second demand about the rapid Indianisation of the Indian Army, His Excellency the Commander-in-Chief has embarked on a very enterprising scheme of Indianisation of one complete division. This is a very great and epoch-making step for which we should be most thankful to him.

Now, turning to the third point, the existing facilities for Indians for military training in territorial force are to be improved: since some years, a great advance has taken place in this respect. Sir, I have been responsible for raising a territorial battalion myself and its military training. There has been a great improvement in this direction. Every one in

this Honourable House will admit that the question of defence of the country is of vital importance and is essentially one in the consideration of which we should not allow our political bias and excessive enthusiasm to warp our judgment. Already there are no restrictions to the recruitment of the King's Commissioned ranks. As to recruitment to the ranks or raising a battalion from the South and Bombay, I have great sympathy with the suggestion. I will, however, say this: that the traditions of the present Indian Army including the Mahrattas are the highest and the noblest and, if these traditions are to be maintained, it seems to me absolutely essential that the material which has been supplied to the army should not deteriorate. India is a very big country and the material for the army is varied. On the whole, it may be the best plan to get the best material possible from whichever class we can. The rest of the classes can be left to follow the avocations for which they are better fitted. When Lord Roberts was asked why he did not throw open recruitment to the army for all classes, he replied:

"India is a very big country with a vast population and we must use the best material which we can get."

I have the same reply to give. The case of smaller countries with homogeneous population is different. During the Great War, companies were raised from the non-enlisted classes. They proved a hopeless failure; and I have personal knowledge of the fact that on a long route march—not fighting, but a route march—90 per cent. of those who fell out belonged to the non-enlisted classes.

Sir, a new experiment to enlist men from the South and Bombay is asked to be made. Army is not like a science laboratory where new experiments may be daily made. Army is an army of men. It cannot be manufactured. The famous Persian poet Sadi says:

"He who fights plays with his own blood.

He who turns back in the field plays with the blood of the whole army."

It is a very serious thing. The strength of the chain depends on its weakest link. One careless sentry on active service may be the cause of the total annihilation of the entire army.

Sir, apart from the territorial force and the University Training Corps, raising of any new battalion out of the non-enlisted classes is a step full of extreme danger and risk. There is a consistent demand for curtailing the army expenditure and now that His Excellency the Commander-in-Chief, even at some risk of efficiency and proper training, has brought down the expenditure to the bare minimum, they ask for raising new battalions. Sir, I can hardly understand their logic and I can only say that still the little drummer beats his *rat-lat-tat*. With these remarks, I oppose the Resolution.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Sir, while I heartily thank my Honourable friend, Shaikh Sadiq Hasan, who delivered a very fine speech, in support of the Resolution, I am rather sorry to hear my friend, the Captain, speaking against the formation of these two regiments, a very humble and moderate request that my friend, Mr. Jadhav, makes. The history that has been written and the events that happened long ago have not been properly studied by my friend, the Captain, when he stated that, excepting probably a section of the Mahrattas, the rest might be left to their own

[Raja Bahadur G. Krishnamachariar.]

avocations. Now, going back a little and reminding ourselves as to what happened, not now, but in those struggling days of the East India Company, when Clive fought their battles in the South, who constituted the regiments of the East India Company? Sir, it was the genius of Dupleix that discovered the fact that the Indian, properly disciplined and trained, makes the very best soldier, at any rate not inferior to the soldiers of other communities in the world. That was Dupleix's genius and his discovery. The man who took the greatest advantage of that was Clive. With this army, he made firm the hold of the East India Company in the South and defeated the French at every turn and helped the Indian powers, one against the other, in order to consolidate the power of the East India Company; and it is that force, that army, which it is now stated to be of no use whatsoever, because the Government, for some reason or other discontinued the recruiting from the classes that originally contributed to the South Indian Army and went to the North. There is a book that would make my friend, the Captain, think twice regarding this division into martial and non-martial races—he said he knew something about the inner history of the Indian Army: if I had this book now, I should lay before the House the inner history of the reason why the Madras army, the Bombay army and the Bengal army were all disbanded, and recruitment was confined to the north-west tribes. It is a series of articles which appeared in the *Modern Review* last year, but, unfortunately, I cannot find that book and, there, the very Lord Roberts, whose statement was read now by my friend, the Captain, said very plainly that he did not want any other race in India to be recruited from except perhaps among the Mahrattas.

One instance was given of the Balmuni kings recruiting from the South Indian people. We have all heard of Shivaji; we have all heard of his fighting army; they were not from the North; and the Mahrattas, with their own people, had created so much terror in the minds of the people and they had gone as far as Calcutta, where they have left their memory in the name of the Mahratta ditch; and yet my friend says that these people are no good; leave them to their own resources . . . . .

**Captain Sher Muhammad Khan Gakhar:** I included the Mahrattas.

**Raja Bahadur G. Krishnamachariar:** You did: thanks for small mercies. You did include the Mahrattas, but why exclude the Madras recruit, especially the Madras pariah? Sir, eight years ago, there was a very heavy flood in Southern India, and the Coleroon, one of the biggest rivers in the South, which is about three quarters of a mile broad, with about 16 ft. of water rolling, broke its bridge on the Grand Trunk Road to Madras. There was absolutely no way of communicating between the north and the south of the Trichinopoly district, and Government decided that as it would take some time for a new bridge to be constructed, a causeway should be put up in order to enable the traffic to pass from one side of the river to the other. Now, the Sappers and Miners were put on this work, and these were from the Madras regiment. I wish my friend had been there to see how efficiently and how quickly they finished the work! Everybody was wonderstruck. They did their work within half the time that was allowed by the Government and that causeway existed until it was broken after the construction of the permanent bridge. That is a tradition they still have. If my friend cares to go to the villages in the

South, he will find very many old soldiers who have served in these regiments and who still have some of the military traditions. I, therefore, submit that instead of being prejudiced over a section of the community and instead of making a distinction between the martial and non-martial classes, which is a pure myth, Government ought to give equal chances to every community and to every province to raise its army, thereby anticipating the formation of a national army when the national Government comes into existence. I would, therefore, very respectfully ask the Government to accept this Resolution; in fact, it would have been more satisfactory if we had known what the attitude of the Government was in connection with this Resolution, but I hope it will come soon and fulfil our expectations.

**Mr. Uppi Saheb Bahadur** (West Coast and Nilgiris: Muhammadan): Mr. Deputy President, the people of Northern India seem to have very poor regard for the military qualities and military traditions of the people of Southern India, but people, who have cared to study and understand the military qualities of the South Indian people, hold a different opinion altogether to those held by casual onlookers. My friend, Mr. Yamin Khan, seems to hold a very poor opinion about our martial qualities . . . .

**Mr. Muhammad Yamin Khan:** I have never spoken a word about it.

**Mr. Uppi Saheb Bahadur:** I am sorry. But it was he who interrupted when my friend, Mr. Raju, was speaking, and for his information I will quote the latest opinion . . . .

**Mr. Muhammad Yamin Khan:** I interrupted, because the Honourable Member was making an invidious distinction between the people of the North and the South. If he had not made that distinction, I would not have interrupted at all.

**Mr. Uppi Saheb Bahadur:** The people of Southern India have a high regard for the military qualities of the people of the North, but that is no reason for my friend over there to depreciate our martial qualities. Sir, in this book—"India in 1930-31," contains the following passage at page 39:

"but the uplands of Central and Southern India have always produced men of sturdy physique and remarkable endurance. The Mahrattas, for instance, in the 18th century clearly demonstrated their right to be classed among the most formidable fighting races in the country; the Moplahs, in more recent times, have also shown themselves to be by no means deficient in pugnacity and staying-power; and, throughout the whole of the more southerly portion of India, there exist many other people from whom excellent military material could be obtained".

Sir, the writer of this book must have tried to study things at close quarters. At this juncture, may I remind my friends in Northern India that Tippu Sultan's army was not composed of Pathans and Afghans; it was composed solely of Southern Indian people, Hindus and Mussalmans. In the 18th century, he was a terror to the British Government as well as to the whole of India. When the whole of the Indian Empire in those days was tottering, it was the Southern Indian people who resisted the Britisher, and it was they who tried to uphold the honour and liberty of the Indians as a whole. The Northern Indian people have never been able to conquer South Indians, at least the people of the southernmost parts. Sir, you, as a Coimbatorean, know that your people never came

[Mr. Uppi Saheb Bahadur.]

under a foreigner except under the Britisher. You have been under Tamil kings for years. I for instance have never been under a foreigner except under the British; by foreigner I mean the North Indian kings. Kerala had never been under a foreigner. The Dutch, Portuguese, French and British have been fighting from the 14th century for domination, and we have been fighting with these foreigners, with the Dutch and the Portuguese and other nations. Until the Britisher has been able to conquer us, we never submitted to be ruled by any foreigners. But the Northern Indian people had to submit to foreign rule much earlier. Those, who now cry that their martial qualities have been very fine, very often submitted to foreign conquest. If we go back to ancient history, we find that it was the people of the South who helped Rama to recover his wife Sita. Rama was a North Indian, but he was helped to recover his wife by the South Indians. So says the tradition.

Now, coming to the Moplahs, there seems to be a ban against these people in entering military service. They are not permitted to join any military forces. They are debarred from joining even the territorial forces.—why, I do not know. The other day, in answer to a question in this House, the Army Secretary told me, for reasons best known to myself—perhaps what he meant by it was that Moplahs were rebels, so Government wanted to emasculate them further, emasculate them completely. That Moplahs have been rebels, I do not deny. We have been rebels, we have rebelled, because we had reasons. Those reasons are a closed book; they have never seen the light of day. We have no organ to put forward our case before the world. So, those who had the loudest voice made the world understand that the Moplahs rebelled for nothing, that Moplahs were fanatics. The reasons which goaded them to rebel were sound, good reasons which could not be resisted, which no human being, with any self-respect, would be able to resist. For what in those days they had goaded to rebellion is a thing which the world is ignorant of even today. If, on this occasion, you permit me, I can give out some of the reasons, but this is not the occasion and, I am afraid, you will come down upon me and stop me from speaking on that point. It is said that the Moplahs are a set of turbulent people, not fit for the military, not fit for discipline. From the topmost man to the lowest, it is said that the Moplahs are ignorant and that, on account of their ignorance, they are not to be subjected to discipline, and that they are unruly. From the beginning of the 18th century, or even earlier than that,—because I come from a place near Tellicherry which was the first British settlement on the West Coast—from the earliest advent of the Britisher in India we have been under the British influence and rule. Still they have not been able to educate us. The reason generally given is that the Moplahs are averse to English education. But the real reason is that Government refused to give us the sort of education which we wanted. They completely refused to give that kind of education, and we refused to take the education that they wanted to give us. There was opposition on both sides. Only in recent years the Government have learnt by experience, by bitter experience, that this refusal on their part, this obstinacy on their part led only to bad results, and, therefore, they have begun to change their policy in regard to our education. All that we wanted was that in the schools for Mussalmans in Malabar, Arabic should also be made a secondary language, but Government persistently refused to do that. Till ten years ago, they persistently refused to have Arabic, side by side, with Malayalam and

English, and the Mussalmans of Malabar refused to take to English education. The British Government persistently refused to teach us the language of Arabic, and why should we go to their schools? We are traders, we have got our own businesses and we took to them. The Moplahs are not a barbarous race. We came into contact with civilisation thousands of years ago. Some of us are from Arabia, some of us are converts from Malabar. Malabar has come into contact with the civilisation of the world from time immemorial. You know, from the time of the Greeks, from the time of the Romans, we have been coming into contact with Western civilisation also. We came into contact with the European civilisation much earlier than anybody else in India. It was in Malabar that Vasco de Gama landed, and we Moplahs also were there then. We came into contact with European civilisation as early as the 16th and 17th centuries, and so you cannot say that we are barbarous or uncivilised. Even now I may tell you that there is not even five per cent. of the Moplahs, whether man or woman, who do not know to read or write Arabic. We have to suspect that we are kept in this present position without making provision for the right sort of education as a gunpowder only to be ignited whenever there is a necessity just as it happened in 1921. Now, I ask the Government to give us the ordinary right like any other sister community, to enlist ourselves in the territorial force, and I also appeal to Government to give us an opportunity to have military training just as any other citizen of this country. With these words, I support the motion.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadian Rural): Hailing from the land of the Babus, it may seem strange that I should take up the cause of the south Indians. The only thing common, as my Sikh friend observes,—and I do not agree with him—is that the Bengalis and Madrasis are cowards. It is all very well for the Sikhs to say that, but I think if he had exercised a little amount of discretion in using his words, he would not have used such an expression either in respect of the Bengalis or of the Madrasis.

I welcome this Resolution, for I believe that in the future Swaraj of India we must have an army of our own and there should be no racial discrimination about enlistment in the army. It is painful to see that the other provinces in this country are represented in the Indian army, while Bengal and Assam are not, although Lord Clive had Bengali armies and one of his generals was known as General Kalu belonging to one of the depressed classes, namely, the *Dom* caste about the removal of whose untouchability my Honourable friend over there is so very eager. In fact, to Lord Clive a *Dom* was not untouchable and he raised him to the rank of a Colonel though he was called commonly as General Kalu. Since then, much water has flown over the Ganges and it has been said that one of the reasons why men from Bengal are not recruited is that the humid coastal regions have made us weak and not fit to join the army. Of course, I do not agree in that view. Our concern at the present moment is that the Indian infantry battalions in the Madras and Bombay Presidencies should be restored. Till recently, these Presidencies had Indian infantry battalions, and it is only within the last few years that they have been disbanded. In the future constitution of India, in which I hope we will have some kind of Swaraj, though not the sort of Swaraj that we want, I think it will be necessary not only to have these battalions restored, but also to raise battalions in other provinces.

[Mr. Amar Nath Dutt.]

I do not agree with my friend, Captain Sher Muhammad Khan, when he says that the nationalists are bound together by the common sentiment of dislike of foreigners. We call ourselves nationalists and I think parties bearing other political labels also call themselves nationalists. I do not think that any of us dislike foreigners, at least the Britishers who happen to rule over this country at the present moment. We have good reasons to be grateful to them for having introduced Western culture, education and science and improved means of communication, but, at the same time, if we criticise some of their administrative measures, it is not from a dislike of that great race. It is not from a feeling of animosity that we do so, but it is to improve the administration so that there may be peace and plenty in the land. It is not the dislike of foreigners that makes us nationalists, but a desire to help each other in this country so long as they happen to be here and to travel together hand in hand on the common road to progress and prosperity. My friend, the Raja Bahadur from the South, has recited the painful instance about the Mahratta invasion of Bengal and has referred to the Mahratta ditch in Calcutta. I submit that it is too late in the day now to remind us of those painful happenings, but I know that the Bangiya Sahitya Parishat have discovered many an old literature in which we get evidence of the ravages committed by the Mahrattas in the middle of the 18th Century. It is not necessary to remind us of those things, because, since then, the Bengalis and Mahrattas have worked together for the common welfare as evidenced by Tilak, Gokhale, Surendra Nath Bannerjee, and C. R. Das and many others who have worked and worked together for their common motherland. I beg to submit that these questions do not arise on the present Resolution. I should have been glad if my friend, Mr. Jadhav, had been a little more generous and included also Bengal and Assam, because their representation in the Army is *nil*. He has not done so and we have not got any amendment to that effect. So I support this Resolution, and these infantry battalions should be raised again in the Madras and Bombay Presidencies, and when that is done, it will be our turn to say "don't be partial to the Southerners. Give us also some privileges".

One thing I may point out, without any disrespect to the Chair, as he hails from Madras or other Members from Madras. If these battalions are raised and they find some employment there, they will not encroach on our province to the same extent as at present. Our province is the hall of all nations, though the doors of other provinces are barred to us. I know there is a rule in Bihar that, in order to keep up the moral tone of the service, a certain percentage of Bengalis are admitted in service, but that is not the point. Honourable Members on the Treasury Benches may not like the political views and political activities of Bengal, but, at the same time, they know their worth and it will not be possible to deny to Bengal its just due, if the same is granted to Madras and Bombay. The reason given for not enlisting Bengalis is their weak constitution and it is presumed that they are eminently fitted for the desk, but even that desk has been encroached upon by the people from the south and, if some of them get employment in the army, there will be less encroachment than at present. In that view of the case, I would welcome this Resolution. Intellect has been the chief quality of Bengal and, if that is so, Government should do something to see that they develop their physique also.

It has also been said by Captain Sher Muhammad Khan that it is illogical to ask for the curtailment of the army and to ask for raising new armies.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member has got two minutes more.

**Mr. Amar Nath Dutt**: If armies are raised in Madras and Bombay, there will be a diminution of the army in the United Provinces and the Punjab. In that view, I submit, that the argument does not hold good. I support the Resolution.

**Mr. G. R. F. Tottenham** (Army Secretary): I regard it as the irony of fate, Sir, that it should fall to me as a Madrasi—and I think the first Madrasi to hold the position of Army Secretary, but not, I hope, the last—to deal with and, I am afraid, to oppose this Resolution. I am aware of the great part played by the peoples of Madras and Bombay in the military history of India. I am fully aware of the views of the Madras Government on this subject. I am also fully aware of, and sympathize with, the opinion of those—and they are many—who regret the passing of the old Coast Army. Sir, it has never been my privilege to serve in any district in Madras which contributed any large number of soldiers to the regular army, but for several years I was Secretary of the Madras Soldiers Board, and, in that capacity, I was brought into fairly close touch with military opinion in the Presidency; and I think that I can claim to have some special knowledge, as a civilian, of the feeling on the subject in the south of India. There are, however, Sir, two sides to every question and the fact that I am in a position to see both sides of this question encourages me to hope that the House will bear with me if I attempt to explain, in the time at my disposal, the purely military view in this matter.

Now, Sir, in order to do that, it will be necessary to go back a certain number of years, though not quite as far as some Honourable Members have done. When Lord Kitchener came to this country in 1902, he found a comparatively large army scattered about India in a large number of cantonments. The troops were localized in those cantonments. They could seldom be collected in sufficient numbers to train in the formations in which they would be called upon to go to war, and none of them, except those in the Punjab Command, possessed, or could gain, experience of conditions on the frontier, where they were most likely to see active service. Now, the principles, on which Lord Kitchener's reorganization was based, were, firstly, that it was the primary function of the army to defend the frontier against aggression; secondly, that the army in peace must be distributed, organized and trained as far as possible in the same units and formations in which they would take the field in war; and, thirdly, that all branches and arms of service should be equally capable, by training and experience, of carrying out the tasks likely to be assigned to them in war. To give effect to this policy, it was necessary to concentrate the troops—to concentrate them partly in the direction of the frontier to meet aggression, and partly into cantonments in other parts, the larger cantonments, in order to secure formations of sufficient size for adequate training. This process involved the disappearance of some 34 cantonments, many of which were in the south of India, and entailed a considerable amount of new building. The whole process had not been



[Mr. G. R. F. Tottenham.]

completed when the war broke out. Now, the lessons of the Great War are a matter of common knowledge. It was undoubtedly due to the acceptance of Lord Kitchener's principles that the army in India was able to take up its part in the great struggle as efficiently and as promptly as it did. But every soldier knows that the war revealed great defects. It was necessary to improvise measures, as we went along, to overcome the initial unpreparedness, and the need for such improvisation both delayed achievement and also in the long run added considerably to the expenditure. After the war, therefore, it was clearly necessary for the army to put matters permanently on a more satisfactory footing. Now, Sir, the gravest defects revealed by the war were the lack of a proper balance between fighting troops on the one hand and administrative and ancillary services on the other and, secondly, the comparative inferiority of our equipment. I believe it is a fact that every Indian soldier who went to France had to be served out with a new rifle when he landed in France. To set these matters right obviously cost a very large amount of money, and it was only possible to do so within the financial limits imposed by carrying out a reduction in the fighting strength of the army. It is for that reason that we find today that the fighting strength of the army in India is some 40,000 soldiers less than it was in 1914. That sacrifice was deliberately made on the considered opinion that it was better to have a comparatively small army which was thoroughly efficient and well-equipped rather than a larger army which was deficient in up-to-date equipment and the proper complement of ancillary services. Now, that is the position we have reached—that the army has been reduced by some 40,000, and the question is, whether the reduction was wisely carried out.

My submission is that it has; but, before going on to analyse how the reduction was made, I should like to make one point to meet what has fallen from one Honourable Member. In those reductions the British Army bore its full share; that is to say, more than one-third of the reductions came from British troops. This Resolution, however, refers only to Indian infantry battalions and here the reduction actually made amounted to 17 battalions, not counting the training battalions. Of these 17 battalions, six were Madras battalions and three were battalions of the Bombay Grenadiers; but the Bombay Grenadiers had not been composed entirely of Marathas for some years, and I believe I am correct in saying that the actual reduction in the number of Marathas was 6 companies, that is to say, a battalion and a half. That leaves 9½ battalions. Those 9½ battalions were composed of other classes drawn chiefly from the north of India. Now, it is obvious that Madras carried a disproportionate share of this reduction, but I do not think that the same would apply to Bombay. The question, therefore, that we have to consider is, whether there is any case today for restoring some of the Madras battalions.

Now, the first and the most obvious objection is the financial one. A battalion of Indian infantry costs about seven lakhs of rupees a year. It is perfectly true that Lord Rawlinson said in 1923, when most of these reductions were made, that, in his opinion, the strength of the army ought to be increased when the funds permitted. On the other hand, in spite of the large reductions that have been made, there are many who still consider that the cost of the Army in India is too high; and I think.

Sir, it would be impossible on financial grounds alone, however desirable it might be on other grounds, to face an actual increase in the strength of the army at the present time. Of course it might be possible to achieve the object in view by disbanding certain regiments from other parts of India and substituting Madras Regiments for them. But, Sir, there are obvious objections to such a course—objections that would be forced upon the attention of the Government of India not only by their own military advisers, but also by the Local Governments and the peoples of the provinces in which the units were selected for disbandment.

So much for the financial side of this Resolution. I must now deal with the other arguments that have been made use of; and these, I think, fall roughly under two heads. Firstly, that the people of the south of India make just as good soldiers as those in any other part of India, and secondly, that even assuming that they do not, it is an unwise policy to confine recruitment to particular classes. Now, as to the first of these arguments, I do not wish in any way to cast a slur on the classes concerned. The plain fact is that you, Sir, or I, or any Honourable Members of this House are entitled to hold any opinion we may wish as to the comparative merits of one class or another as soldiers. But neither you, Sir, nor I, nor any Honourable Member of this House has any right to claim that his opinion should prevail against the considered judgment of those who have actually served with and commanded the different classes of troops. In the opinion of those who are best qualified to judge—and their opinion is strongly re-inforced by what actually occurred during the war—, however good Madrasis may be as soldiers, there are other classes who are better. It is entirely a relative matter and, in the army, we do not want anybody except the best. No one denies that Madras and Bombay have produced great soldiers in the past, but I think it is sometimes forgotten that the campaigns in which Madrasis earned their laurels were campaigns which were carried out in the south of India, that is to say, in their own climate and in their own country; and the climate that is to be met with on the Frontier is very different because of the extremes of heat and cold.

Now, Sir, I must say a few words about the second argument, the argument that it is unwise to confine the recruitment to particular classes. I know that this is a somewhat controversial matter on which opinions are apt to be freely expressed. It is difficult to criticise the maxim that no citizen should be debarred from taking a share in the defence of his country. In theory, that maxim cannot be criticised; in practice, it is rather different, in a country of the size of India, which maintains a standing army of minute proportions compared to its total population, probably less than one-thousandth part of its total population. How are we going to recruit from the whole of this vast area? How are we going to decide, when any particular individual presents himself before the recruiting officer from any of the hundreds and thousands of villages and towns between Hardwar and Cape Comorin, that that individual is going to make a good soldier? And how are we going to assemble in suitable formations heterogeneous collections drawn from different castes and classes of India? These are practical difficulties and I maintain that, when a matter like the defence of India is at stake, we cannot afford to take chances. We cannot afford to say that A or B or C may turn out to be a good soldier. We must be guided by experience which tells us that certain classes have in the past produced better soldiers than other classes and then make our selection from within those classes. By all means let us agree that the whole population of India is martial, but do

[Mr. G. R. F. Tottenham.]

let us also recognise that some classes in India are more martial than others. I can assure this House that the sole concern of the army and the only possible justification for their present policy is to obtain the very best possible material and the highest return to the tax-payer's money. I cannot believe that that is an unwise policy or, indeed, that it would be a wise policy to recruit men for the army, because they were Muhammadans or Hindus or Anglo-Indians, or because they came from Bengal or Madras or Bombay or the Andaman Islands, or, indeed, for any other reason except because they were the best possible fighting material.

Now, Sir, I should like to say a few words about the Pioneers, because the subject has been touched upon by one or two speakers. The abolition of the Pioneers has been forced upon the military authorities partly by the pressing need for economy and partly by a recognition of the fact that the Pioneer organisation is not now an absolutely essential portion of our army organisation. But the point that I wish to make is that the Pioneer organisation has gone as a whole, whether the men came from Madras or Bombay or from the Punjab or from north of the Punjab. Surely if it had really been a fact that the army authorities wished to eliminate Madrasis and men from Bombay entirely from the army, this particular change in organisation would have provided an excellent opportunity for doing so. On the other hand, what have we done? We have made every possible effort to retain in the army as many as possible of the classes who served in the Pioneers; and this, I think, is a clear indication of the fact that the army authorities are anxious to retain and use any personnel, wherever it may come from, so long as they are satisfied that it is the best possible material for the purpose for which it is required.

Now, Sir, there is one small announcement that I am now in a position to make which may give some satisfaction to the Mover and other Honourable Members who have supported this Resolution. That announcement is that His Excellency the Commander-in-Chief has decided to select Madrasis as one of the classes to be recruited for the new Indian artillery which is to be formed as part of the Indianizing Division. (Hear, hear.) I am aware that the numbers involved at first will be small, not more than a few hundred, but this is a new chance for the Presidency to which I have the honour to belong. Personally, I am extremely gratified at the decision taken by His Excellency the Commander-in-Chief and I do hope that the most will be made of it by the Madras Presidency.

Sir, the responsibility for the defence of India is a heavy one and, if I, as the mouthpiece of those responsible, have been unable to satisfy those who support this Resolution by accepting it, I hope I have at least shown that our policy in this matter is not due to any blind or irrational prejudice, but is dictated solely by what we consider to be in the best interests of India.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

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The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I have carefully listened to the speech of the Army Secretary on this Resolution and though, in the last part of his speech, he has given a glimpse of hope for South India, yet I must say that the speech has come as a sort of disappointment to us who represent the southern part of India in this Assembly. The Honourable Member said that southerners coming from the Madras or Bombay Presidencies, though they are good material, are not the very best material to form a militia. And he also said that the southern armies can fight only in climates suitable to them which prevails in the south, but they cannot fight well in the climate that obtains in the North-West Frontier Province and other places. I wish this discovery of the inefficiency of the southern people to fight in the other theatres of war had come a little earlier when the ancestors of my Honourable friend laid the foundations of the British Empire in India. If one looks at the history of the army in India, one will find that it is only in the south that native armies first originated. It was due to the genius of Dupleix that he was the first to enlist Indians to form battalions and that was subsequently copied by the British, and it is with the help of these southern battalions that the British people laid the foundations of the Empire which they built subsequently. I wish, therefore, that this discovery had come a little earlier. The Honourable Member said that the southern people could not fight in the northern climates, but if he looks at the history of the Indian army and the achievements of the Madras and Bombay regiments, he will find that those regiments have been used and have fought not only in all parts of India, but they have been used to fight in far-off countries like China, Abyssinia, Mauritius, Java, Ceylon and other places, and in trying climatic conditions. My Honourable friend is full of praise for the northern India armies. But historians have recorded that during the Sepoy Mutiny, it is the Madras and Bombay armies that were greatly used in quelling the rebellious armies composed of North Indian battalions. For his information I will quote from the book by Major Lovett to which Field-Marshal Lord Roberts has written a preface, and which is an authoritative book:

"The Madras and Bombay armies as well as the Hyderabad contingent took an active part in suppressing the mutiny and rebellion in various parts of India, notably in Central India."

Having received so many services from the Madras armies and Bombay armies, I expected that Government would show a little more gratitude.

Then, Sir, he also said that they were not good fighting material, but what do we find in the same book? This is the testimony of Major Lovett:

"The soldiers of Madras have many inherent military qualities. They shoot well, drill well and stand well under arms, and, so far as this part of their professional requirement goes, foreign critics have been known to say that it was not till they got to Madras that they saw regular native soldiers."

Thus we find that Madras regiments do not lack fighting qualities. For one reason or other, to suit their purpose, the Government or the military authorities have classified India into martial and non-martial races, and for their purposes they have been recruiting to the army only from one particular part of India. This is what is called giving a dog a bad name and hanging it; giving a bad name to the southerners as non-martial people and not recruiting them for the army.

[Mr. T. N. Ramakrishna Reddi.]

Sir, with regard to the military traditions of the south, I do not want to go much beyond the period which was taken up by previous speakers. One Honourable Member has mentioned the work of the Madras armies during the days of Vijayanagar. The empire of Vijayanagar was one of the biggest empires in the south and it survived for nearly two hundred years, and the armies of Vijayanagar, composed mainly of Madras and Carnatic people, repelled invasion after invasion from northerners and kept the empire for over two centuries. And it was only at the battle of Tallikota that the army was defeated by the Bahmini army and was defeated only by the treachery and intrigue within the army itself. Sir, it may be said that it is a very far off period to take; but let us come to the days of the East India Company. During the days of Hyder Ali, he established a kingdom in Mysore and it is said of him that he fought many wars against the British and won all the wars, and it is with the help of the . . . .

**Mr. B. V. Jadhav:** He did not establish it: he usurped it.

**Mr. T. N. Ramakrishna Reddi:** You may say, he usurped; but by whatever name you may call it, he did it with the armies formed of Madras and Karnatic people; and, as I was saying, he succeeded in all his wars against the British. He was never defeated in one single battle. Then, during the time of the East India Company, I have already stated that they were used in all the theatres of war and it was the Madras Army that laid the foundations of the British Empire; and to say now that they are lacking in martial spirit and martial traditions is not the real fact. My learned friend, the Member for the Army, said that there were other considerations we were to take into account, owing to the object lessons that the recent war had provided. He said that they had to disband various battalions; they had to cut down the expenditure and, it is in pursuance of that policy of cutting down expenditure on the military, that these battalions of the south have been disbanded . . . .

**Mr. G. R. F. Tottenham:** On a point of explanation: it was not merely for that reason that this disbandment took place: it was in order to provide funds to get a good army rather than a bad army.

**Mr. T. N. Ramakrishna Reddi:** I am also alluding to that: what he said was that the policy was to have a smaller army with better equipment rather than a larger army ill-equipped. I am not disputing the policy pursued by the Government, but what I am emphasising is that by taking up this process you have completely disbanded the very few battalions that survived the onslaught which has been going on from the time of the Mutiny when the British found themselves secure in their empire in India. Government used those armies for the purpose of achieving their empire and for establishing and strengthening it; and, when it is no longer necessary, they have thrown it out as a thing that is untouchable and now they come out with the excuse that we want efficiency and a smaller army . . .

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muham-madan): That has been their policy all along.

**Mr. T. N. Ramakrishna Reddi:** You may keep up the traditions by having some representative battalions, and the military department might as well curtail some of the battalions in northern India in its place . . .

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Why not from the British army itself? It will bring in more money.

**Mr. T. N. Ramakrishna Reddi**: I am coming to that. That is what I require of the Government. I want that they should . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member has got only one minute more.

**Mr. T. N. Ramakrishna Reddi**: The policy of the Government hereafter, as declared by the Secretary of State, will be Indianisation of the army, and if that policy has to be given effect to, there will be a national army getting recruitment only from northern India, while the whole of southern India and central India will go unrepresented. At least for the sake of that future national army, let the recruitment be taken from all parts of India. It is not only northern India that is contributing for the military expenditure: southern India also is contributing towards it and, as such, it expects that there should be better representation of Southern India in the army also. If financial consideration is the only thing, then, I ask, in case there is ease in the financial situation, either in the shape of relief that we hope to get from the deliberations of the capitation tribunal or by reducing the British element in India, are Government prepared to give a guarantee that they would recruit for the army from southern India also? For these reasons, I support the Resolution moved by Mr. Jadhav.

**Mr. Muhammad Yamin Khan**: Sir, this Resolution, as it stands, involves certain principles and is asking for something which  
**3 P.M.** make it very difficult to support this Resolution. The one principle which it implies is the provincialisation of different services. If this principle is accepted in the case of the Army, I do not know where it will end and what demands will not come up in other shapes. My friend, Mr. Raju, read out certain extracts from certain book in which he showed that the Madrasis were intellectually very well advanced people. There is no doubt about it. You also, Sir, come from Madras, whose intellect and knowledge is accepted by this Assembly in choosing you as Deputy President. I have got no doubt that there are so many other prominent persons in the Government service who hold very high and responsible posts at present and they have shown their intellect by their good work. There can be no dispute about it. Another gentleman, Mr. Amar Nath Dutt, advances the case of Bengal that the Bengalis are very well advanced and that fact has not been disputed also; and we find evidence that the first Indian Leader of this House came from Madras and now we find that another Leader of the House, a highly intellectual gentleman, occupies that seat again: he comes from Bengal. So there is no doubt about it and nobody came to question the intellectual capability or capacity of Madrasis or of Bengalis. In this way, God has given certain gifts to certain provinces and other gifts to other provinces. This is the gift which is given to northern people, to stand the rough work; they are physically stronger, they can bear physical strain; they have been good soldiers, and while Madras and Bengal have shown their advance in other intellectual spheres, Punjabis and United Provinces people have shown themselves to be quite capable in the field when they come up as soldiers. So when a distinction is going to be made or when my Honourable friend, Mr. Raju, comes and says he disagrees

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with his own Government when they said that Punjab and United Provinces people could bear physical strain in a much better way than the people from the south could do, when he wants to say that the Madrasis are physically as strong as the best men from the north, I dispute this point. That was the point which I questioned; that statement is not one which I can accept as correct. I cannot accept that statement as correct, and, in so doing, I do not mean in any way to disparage the physical capabilities of the southern people . . . .

**Mr. B. Sitaramaraju:** I may tell my friend that today the strongest man in India is perhaps Prof. Rama Murthi Naidu who comes from my district in the South.

**Mr. Muhammad Yamin Khan:** That is another disputed factor. I do not want to discuss whether Mr. Naidu or Mr. Gama is the strongest man, or whether Gama can defeat Mr. Naidu in a wrestling match or Mr. Naidu can defeat Mr. Gama. That is a different issue altogether. But if my friend traces history, he will find that even Raja Ram Chandra,—whose name has been dragged in,—came from Oudh. He was a Rajput, a Kshatriya, and he defeated the armies of the South. If you come to later history, you will find that in the Gupta period the armies of the North overran the armies of the South. Still later history shows that Alauddin Khiliji, with a handful of men, . . . .

**Mr. B. Sitaramaraju:** May I correct my Honourable friend? Raja Ram Chandra defeated the armies of Ceylon with the armies of the Southern India.

**Mr. Muhammad Yamin Khan:** I do not want to quarrel on it, but coming to Alauddin Khiliji's period, it will be seen that he and Malik Kafur defeated, with a handful of men, the armies of the South even up to Cape Comorin. Then, an Honourable Member said something about Bahamani Kings, but I may tell this House that they were no other people than Pathans. A handful of people went down and established their kingdom in the South. My friend wanted to cite history, but I do not wish to go into very controversial matters of history, although I have read history very minutely and in very great detail, and I can say, without any hesitation, that throughout we find that at no time were the armies of the South able to stand against the armies of the North.

**An Honourable Member:** What about the Mahrattas?

**Mr. Muhammad Yamin Khan:** If my friend wants to know something about the Mahrattas, I will suggest to him to read a book called 'Irwin's Later Days Moghuls', in which he will find a description to the effect that when Hassan Ali Khan, one of the Sayyads of Bara, from where my Honourable friend, Syed Amir Husain, comes, brought the Mahratta armies into the city of Delhi and when the Mahrattas wanted to surround the Fort on the day of Furrukhsiyer's dethronement, even the Goondas of Delhi gave some slaps on the faces of the Mahratta Cavalry men and relieved them of the looted property which they had with them. That is the army which it is said is fit to fight against the armies of the North. I did not want to quote from history . . . .

**Mr. N. N. Anklesaria** (Bombay Northern Division: Non-Muhammadan Rural): They were only Pindaris and not Mahrattas.

**Mr. Muhammad Yamin Khan:** They were certainly Mahrattas and not Pindaris. Now, Sir, we are all talking about nationalism. The nation is composed of people of all provinces of India, and not of one province. If you want a quota from every province, certainly it is for the House to decide that each province should be defended by its own people, and I shall have no hesitation in accepting that principle. But I do not think it is a sound proposition . . . . .

**Mr. S. C. Mitra:** What is the harm?

**Mr. Muhammad Yamin Khan:** Of course, there will be no harm, because Bengal is safe now a days from the Arakanese and the Portuguese who used to trouble them before the advent of the British, but, if we accept the principle that is suggested here, it will do a great harm to India as a whole. The burden of fighting and defending should be borne only by those who have had experience of bearing such burdens in the past, because they are the same kind of people. The trouble is always apprehended from the North, and, therefore, it is only the people from the North who can combat the enemies from the North. The fight will not come from Arakan, it will not come from Burma, but it will come from the North, and the armies who can defend these aggressors can only be the people of the North, because they all belong to the same class. The whole question relates to the defence of India, and if we introduce the principle that is suggested by some of my friends here, I do not know how it will end. According to Hindu history, we find that the Kshatriyas always shed glory, and as such nobody can ever raise the slightest objection to recruiting a large proportion of soldiers from the Kshatriyas. Their classes, known as the Sasodias or Khachhwas, and other classes of Rajputs distinguished themselves in the past and even earned a great name as good fighters. They fought with great valour in the last war too, and they will certainly acquit themselves creditably at any time, because they have a tradition behind them. Then, again, we find another race, I mean the Jats, who have also fought very well in the last war. They supplied great man power in the last war. Among these Jats, there are Hindus, Muslims and Sikhs, but whoever they may be, the community as a whole has contributed a great deal of man power and they have supplied very good and efficient soldiers to the army. Today if any of my friends wants to see these people, he has merely to see any of the Jat regiments and he will see that these people are very efficient in every way. There are Punjabi Mussalmans and Hindus as well; there are also the frontier people, I mean people from the North-West, and they have all stood the attacks of outsiders in the past. Now, to say that we should disband these people who have proved their worth, loyalty, efficiency and ability in great wars in the past and that they should be substituted by new regiments from the South, regiments composed of newly recruited men, is a proposition which cannot be supported by any sane man. Quite apart from this, if the principle suggested by some Members that each province should recruit its own people for purposes of defence be accepted, then there will be questions as to why not a particular regiment be recruited from a particular district or from a particular community in that province, and in this way there will be no end of trouble. You cannot divide the army



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according to districts and villages or according to communities in the country, but the army should be recruited from the classes which have been accustomed to stand war, which have a tradition behind, and which can defend the frontiers of India for the safety of the whole of India, and it will be for the good of everybody. There should not be any question of provincialism or communalism introduced here, because if we do so, it will be fraught with grave consequences, because the army will become inefficient. Therefore, Sir, the best judges in the matter are the people who have been recruiting people for the army, who have tried different classes of people, and who know what particular classes are fit for the army, and they alone are the best judges to equip the army from the classes which they consider best. I agree with the Army Secretary when he says that there may be some people who are good martial people, but there are others who have proved better than . . . . .

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The Honourable Member has got only one minute more.

**Mr. Muhammad Yamin Khan:** As I was saying, the best judges to decide this question are the people who have had considerable experience of recruiting men to the army; they are certainly placed in a much better position in this matter than any of the Honourable Members here who have no experience of these matters, and, therefore, this question of the selection of proper people to the army should be left to them. Therefore, since this Resolution has come here more or less as a provincial question and it tries to make a distinction between province and province, I oppose it.

**\*Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official):** If there is any department where the basic principle of recruitment is efficiency and where a slight deviation from that principle would prove disastrous, it is the Army Department.

**Mr. N. M. Joshi (Nominated Non-Official):** What about politics?

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** That does not come in here. On this point there is perfect unanimity on all sides of the House. My Honourable friends, Messrs. Jadhav and Raju, both laid stress on efficiency, and when they were quoting from the Madras Government reports, they took their stand on efficiency alone. Now, the question is, who is to be the judge? Are we to look for rulings on points of efficiency in our Indian Law Reports (Laughter), or are we to take military expert opinion as the sole test for determining the efficiency of a community in matters of army recruitment? We have listened to the very well-reasoned speech of the Army Secretary, and I have to congratulate him, not only on his speech, but on the announcement, the epoch-making announcement that he has made. Up to this time, the artillery section of the army was not open to Indians and the Madrasis should really be congratulated on their first getting this chance as Indians.

**An Honourable Member:** It was open before 1857.

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\*Speech not revised by the Honourable Member.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** The chief arguments advanced in favour of this Resolution are that, firstly, the Madrasis did well under Lord Clive in the early days of the East India Company, secondly, that they did well during the Great War, thirdly, that they will prove cheaper than north Indian people, and, lastly, the old argument that proceeded from the oldest Member of this House, I mean Raja Bahadur Krishnamachariar, that the distinction between martial and non-martial classes should be done away with. As regards the first, the Madrasis did very well under Lord Clive and in the olden days of the East India Company. But, we must remember, that in those days the frontier of India was in Madras and not beyond Peshawar. They had to fight with people who lived upon rice and gram only, and, if they did well, that is no wonder. Lord Clive could not import people from the north to fight against those Madrasis.

**An Honourable Member:** What do the Japanese eat?

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** I do not know, you may know better.

**An Honourable Member:** Rice.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand:** Madrasis did well during the Great War, and we are all proud of that, but as has already been pointed out by the Army Secretary, others may have done better and the army people have to choose the best, those that did best. So, on that point, we should leave the whole thing to the army experts. I will not dilate upon the distinction between the martial and non-martial classes at this stage. After the start that has been given at Dehra Dun to non-martial class boys, where both the martial class boys and non-martial class boys are equipping themselves for the army, side by side, and, those of us who had been there, saw how well they were doing,—I think it is not fair that we should go on the old story of martial and non-martial classes. The non-martial classes should try to send their best men to the army, now that they have got an opening through Dehra Dun, and I for one would welcome them. I accept the proposal that the officering in the Army Department should be in proportion to the soldiers which each community supplies. As a matter of fact, this is one of our grievances—that we are providing soldiers, ordinary sepoy, and we have not got the same share among officers. But I do not grudge this concession to the non-martial classes, and I look upon them to supply as many soldiers also as they supply officers. As I have pointed out, the question must be left to the Army Department for determination. They have to determine the efficiency of one class or the other, and, as on this point there is perfect unanimity, I will resume my seat by making a personal appeal to Mr. Jadhav. He belongs to a martial community, whose past history is full of heroic deeds, and India is proud of the past history of Maharashtra. They did well during the Great War also, and I think that on a point like this we should not make it a provincial question. The Madrasis have been given a chance and we do not grudge it. We hope that Madrasis will prove equal to the occasion and equal to the chance that has been given to them and will do credit to the selection that has been made. I appeal to my Honourable friend, now that this distinction between martial and non-martial classes is being done away with in the higher ranks of the army and that Madrasis have been given a first chance in the artillery section of the army, he should not press this point to a division and withdraw his Resolution.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official): Sir, I have great regard and affection for these provinces and the people of these provinces. I am not going to cast any slur on any community or any province at all. A lot has been said before. The present Resolution deals with soldiers only, and the House knows very well that the army is kept for offensive and defensive purposes and the size of the army is increased or decreased according to the military necessity and the financial strength of the country. Honourable Members who have supported the Resolution have not brought forward any good or convincing reasons for raising a battalion on account of military necessity, nor have they shown that there is sufficient finance to support such a battalion. Therefore, when there is no military necessity, and the financial aspect of the country does not admit of the raising of such a battalion, will it not be a useless thing to press the Resolution to a decision? It is not a communal question at all, nor is it a charitable matter, that we should press the Government for representation of this community or that community in the army, or that we should ask for some charitable aid to the Madras people or the Bombay people.

**Mr. N. M. Joshi:** Why should communities be represented in the public services?

**Major Nawab Ahmad Nawaz Khan:** That is an irrelevant question.

**Mr. N. M. Joshi:** It is not an irrelevant question.

**Major Nawab Ahmad Nawaz Khan:** The present question is a purely military question and it should be discussed and decided purely on grounds of military necessity and the financial strength of the country, which do not admit at all of the raising of a battalion under the present circumstances. Another point that has been mentioned by my Honourable friend, Mr. Tottenham, which should give satisfaction to the Madrasis, is that they will be recruited to the new artillery. In these circumstances, looking to the military necessity and the financial position, I hope Honourable Members will not support the Resolution that has been moved.

**Mr. S. C. Mitra:** I congratulate Mr. Jadhav for bringing forward this Resolution, but, at the same time, I cannot understand why he has left out the Presidency of Bengal. The other two older Presidencies of Madras and Bombay cannot, I think, claim any special privilege which should be denied to the Presidency of Bengal. I congratulate also the Army Secretary for his very small mercy to the Madras Presidency. By the concession that he is now going to show to Madras, it only proves that he is true to his salt. He is a Madras civilian and that has induced him to concede a small morsel to the Presidency from which he comes. I agree with Mr. Yamin Khan that military men should be recruited solely on grounds of efficiency. Nobody can question that, but why, on the question of efficiency, you should attempt to confine your recruitment to a certain area alone? It is foolish to dogmatize in this matter that efficient men are available in one part of the country only. You may say that the Madrasis are intellectually superior, but can you infer from that that every Madrasi or every Bengali is superior to every man in Northern India? When it is said that people in the north are physically stronger than the people from the south, does it mean that every man in the United Provinces or in the Punjab is physically stronger? My friend, Mr. Kabeerud-Din Ahmed, comes from Bengal. He will demonstrate that such a

universal proposition is absurd. (Laughter.) But, in this matter, I rely on a more fundamental principle. I do not concede that the merit of a military man consists only in the strength of his muscle. I can quote authority after authority to show that in modern warfare there is no place for wrestling or the use of swords or bayonets. It is more by use of the brain that the pigmy Japanese defeated the great Cossack army of Russia. Even the British military authorities are anxious to recruit the pigmy Gurkhas as much as the stalwart Sikhs. So, I say, even on the ground of physical superiority of some races, it cannot be claimed that recruitment should be confined only to the north.

As I have already said, a whole race cannot be stigmatized as efficient or non-efficient. Time will not allow me to go fully into this theory of martial race, but I will say that, when it suited them, the British military authorities did not hesitate to say that the Brahmins in the Gangetic valley, I mean the people from Mr. Yamin Khan's province, were the best soldiers. Then, they praise the Sikhs when it suits them. Now, it is the turn of the Punjabi Mussalmans. When these Punjabi Mussalmans become educated and patriotic, they will say that the trans-border Gurkhas are the only military race. As my friend, Mr. Reddi, said, the British conquered India with the help of the red army consisting mostly of Madras soldiers and Bengalees. Now, I will quote something about this martial race theory:

"Now, there is nothing in the world more difficult to speak about or easier to under-rate than the fighting quality of an alien people. All decent men exhibit a healthy scepticism with regard to the valour of the foreigner. It is, so to say, only the other side of one's own self-respect. In the years immediately following the war, to run away like the English was a saying often heard in the Paris cafes and the reminiscences of the Irish insurgents of 1920-22 are full of scornful allusions to the bravery of the English soldiery. Before the Russo-Japanese War, yellow money was a common epithet in the mouth of the Russians for the despicable undersized Japanese. In India, too, one comes across similar *obiter dicta*. A Dogra, belonging to one of the famous regiments of the Indian army, once expressed to me his immeasurable contempt for the fighting quality of the British soldier and reported to me a saying of the Kaiser in which he was said to have given out that given the Indian sepoy, the British tank and something else, which I forget, he would have beaten the world hollow and nobody could have resisted him."

I can quote from the words of the British Generals themselves:

"Giving evidence before the Committee of Enquiry, Lord Roberts said that he had been compelled to remove five Generals of Division, six Brigadiers of Cavalry, one Brigadier of Infantry, five Commanders of Cavalry Regiments and four Commanders of Infantry Battalions for incompetence, which was a very large number, considering the number of troops employed. He was asked by Lord Esher, the President of the Commission, whether he had ever heard whether many of the German officers had been removed in 1870 for incompetency. Lord Roberts replied that he could not say and went on.

"Whether it is inherent in the British character or whether it is owing to something faulty in the training of our officers, I cannot say, but the fact remains that surprisingly few of them are capable of acting on their own initiative. Many of them do very well if you can tell them exactly what to do and how to do it, but, left to themselves, they fail."

So, I say, even high officers of the army fail sometimes, but that is no reason why a whole race should be condemned. Will the British Government recruit Prussians for their soldiery even if they are convinced that they make better fighters? That is the question. India will be demanding full responsible government and there will be provincial autonomy. Why should we look to the northerners all the time to send their soldiers? I admit that the northerners in the average have more physical strength and endurance which are important factors. Even

[Mr. S. C. Mitra.]

admitting that, I say that this policy of the Government of disarming a whole nation has resulted in emasculating the nation and that has brought about this helpless physical condition of the people in a vast area of this land.

There are other peculiar theories on this subject as to how people come to be militant. I shall just quote a few lines to show what I mean :

"This tendency towards the drying up of the military energies of the Indian people under British rule has developed to such an extent that it has led British military authorities to enunciate principles of heredity and environment which not only no biologist would ever dare to make, but which hopelessly contradict one another. Fighting quality, says one authority, is entirely dependent on race. Another authority would imply that it depends on food. In reply to a question of the Marquis of Linlithgow, whether the physical superiority of the so-called martial races was due to racial characteristics or advantages of diet and life, or both, Lieutenant-Colonel Graham, I.M.S., Public Health Commissioner with the Government of India, said :

'I think I said in my memorandum that the question is very much *sub judice* at the moment. Colonel McCay went very strongly for the absence of the protein elements in the diet as being the causation, but I showed how that had been questioned by Dr. Hindhede, a leading Danish dietetic expert, and that is one of the reasons why I say we require more inquiry in India on this particular subject'."

So, even as regards what constitutes and what are the reasons for making a race more martial than another, there is no established authority at all; and, speaking for individuals, it can be shown every day that it is foolish to dogmatize that one race is martial and another whole race is non-military. As a matter of fact, by debarring the peoples, in many cases the entire people of some of the provinces, from any share in the military recruitment, the British Government is having so much trouble and facing so much discontent.

Then, there is the other aspect of the question,—as to why the Bengalis, or the Madrasis, or the Bombay people, who pay crores and crores of rupees every year towards the cost of the Military Budget, should be deprived of any share in the loaves and fishes as represented by the distribution of that money as soldiers' pay. I may recall to this House in this connection, that only the other day, my Honourable friend, Mr. Maswood Ahmad, raised the question that because a certain railway passed through a certain area, therefore, and on that score, the people of that area. Muslims, should have so much representation in that Railway service. Now, I ask, when this huge Military Budget is being financed out of taxes raised throughout India, and when the major portion of those funds is collected from those other provinces, why, in the expenditure of these 50 crores of rupees, the people of these very provinces should have absolutely no share? Is that fair, is that just? Sir, that is gross injustice done to the people of these other provinces. I know for the time being my Honourable friend, Mr. Yamin Khan, is happy that the Punjab Muslims enjoy a monopoly of about 51 per cent. of the Indian soldiery. Now, when the people who furnished that soldiery are sufficiently educated, then other races will be considered martial races and that will be shifted again. The Sikhs were predominant in number, only a few years before. Now, however, they are casting their lot with the avocations of other people.

The British policy seems to go still towards the north and the far north, to those barbarous tracts, if possible, the trans-border clans and Pathans, for army recruitment. Sir, even if some of the races today are non-martial,

according to their definition, I ask, is it not the duty of the Government to see that by giving them proper chances, proper facilities, proper encouragement, they may be made more and more martial, especially when they bear their full share of the burden of the Military Budget? At any rate if that cannot be accomplished today, is it not their duty to take steps to bring it about in the course of a few years? I think, Sir, it would have been better if, for these and other reasons, my Honourable friend, Mr. Jadhav, would have enlarged his Resolution, and, instead of confining it to one or two Presidencies, the recruitment could have been distributed throughout the whole of India. Of course I fully agree with Mr. Yamin Khan that those, who are the most efficient physically, intellectually and in every way, should be recruited, though I do not agree that there is any water-tight compartment that one who is physically strong must be intellectually weak and *vice versa*.

**Mr. Muhammad Yamin Khan:** I never said that.

**Mr. S. O. Mitra:** Then you said that there is a distinction between the southerners and the northerners. Would my Honourable friend reserve all the places in the Secretariat in favour of Madrasis, because they are intellectually superior? No,—here he at once puts in his claim for a one-third share absolutely, irrespective of all other considerations. On the contrary, as soon as the southerners want their share in the military, my Honourable friend is apprehensive of the loss of his vested privileges. I say, it is not mutually exclusive. It is absurd to think that because a man is physically strong, therefore he must be intellectually weak and *vice versa*. The sound British policy should be, in recruiting soldiers and officers for the army, to recruit on as wide a basis as possible and throughout the whole of India. I can quote facts and figures to show that there are at the present moment a hundred times more recruits available throughout India. Let Mussalmans have their just share, let other communities have their just share, I do not grudge that at all. Let everyone be properly represented, but let it be applied throughout India and let the crores and crores of people in India have a share. For instance, let Bengal or Madras, comprising crores and crores of people, get hold of, say, 10,000 or 50,000 posts of soldiers, raised in those vast areas, the peoples of which are not only intellectually better, but also physically good enough, and if you apply a physical test, even then it will not be difficult to raise half a lakh or so out of their vast numbers. Sir, if there is a will, there is a way. It is not at all difficult to get soldiers from any part of India who are efficient both physically and intellectually. With these words, I support even this restricted Resolution.

**Sirdar Harbans Singh Brar** (East Punjab: Sikh): Sir, I have absolutely no objection to the recruitment of either Bengalis, Madrasis or Bombay men to the army, but I certainly do take objection to regiments or battalions being recruited on a provincial or regional basis as is proposed in this Resolution. Nothing is more welcome to any Indian than the inclusion of all Indians in the defence forces of the country as a whole, and it will be all to the good of the country if the people of all the provinces join together as comrades in arms, and in peace, in regiments recruited on a national basis, and not on a provincial or regional basis.

**Mr. N. M. Joshi:** What about a communal basis?

**Sirdar Harbans Singh Brar:** Certainly I would object to that. Sir, the army is a field in which merit and merit alone should have priority over all other considerations governing recruitment, because the sovereignty of a State will depend on its capacity to maintain peace, to preserve order and to protect itself from foreign aggression; and, in such matters as the preservation of law and order in the country or its protection from foreign aggression, we cannot take risks of any kind whatsoever. Pure capacity and merit of each individual must constitute the main factor in his selection for recruitment to the army of a country. I am at one with my Honourable friend, Captain Lal Chand, that those classes who have so far offered themselves for service in the army of this country are alarmed at the present moment, because when the question of the recruitment of sepoys was concerned and there was the question of facing the bullet, it were those classes, who are at present recruited, who fought for themselves and won honours for the country, but when the prizes of officers' posts in the commissioned ranks were offered in larger numbers to Indians, most of the share in those commissioned ranks fell to those people who have so far contributed the least for the protection of the country from rebellion within and foreign aggression from without. Sir, we will always welcome the people of all provinces, of all creeds and castes joining the army in India, provided they bear their share of the rank and file also, and, for the matter of that, it would be better that the commissioned ranks should be in proportion to the strength of the respective classes in the rank and file. It is very well for all those people who were formerly classed as non-martial, for whatever reasons, to fight and kick up rows every now and then as to why are they not given their due share in the army when the officer's class is in question. But they are not even one-tenth of the proportion of what they claim and now get in the officers' ranks, as compared to their number either in the ranks of the sepoys or in the lower non-commissioned ranks.

**Mr. N. M. Joshi:** You are not fair. It is not that they do not offer themselves for the lower ranks, but that they are not taken. Please be fair.

**Sirdar Harbans Singh Brar:** I cannot understand that they are denied the lower ranks in the army, when commissioned ranks are open to them. Formerly it was so and there is no doubt about it. But if an Aggarwal, a Bania or a non-martial man of any other caste can now at once be recruited to the Lieutenant's rank as a commissioned officer in His Majesty's army in India, he is as much welcome to the sepoy's rank or to the Indian officers' rank. Therefore, Mr. Deputy President, I would oppose this Resolution in its present form for the formation of a battalion on a provincial basis, because that would accentuate the provincial jealousies, prejudices and rivalries and would prevent the growth of national spirit, so essential for the preservation of peace and tranquillity and protection from foreign aggression. But I would certainly welcome the inclusion in the army, as a whole, of people from other provinces in mixed regiments and in mixed battalions who may belong to any caste or creed. At the same time, we must recruit to the officers' ranks in proportion to the number of people in the rank and file. With these words and agreeing on fundamentals with Captain Lal Chand and with my friend, Captain Sher Muhammad Khan Gakhar, with whom, fortunately or unfortunately, I generally agree on army questions only, I oppose this Resolution.

**Mr. N. M. Joshi:** Mr. Deputy President, being born of Brahmin parents from Bombay side, I have not the slightest chance of being admitted as a soldier in the Indian army, nor have my children the slightest chance. I am not, therefore, interested in this question, but I feel that the division of the people in this country into war-like and unwar-like classes has absolutely no justification at all. Bravery and courage do not depend upon the size of the bodies of the people; they do not depend upon the weight of human beings; they do not depend upon whether a man eats wheat or rice. Bravery and courage are a quality of the heart and they do not depend upon any of these considerations. Neither are these qualities dependent upon heredity. People may inherit physical qualities, but they do not generally inherit either courage or bravery. I do not know how the British people came to bring about these distinctions. Perhaps it may be by chance or by coincidence; I do not attribute any motives to them. We know that by coincidence a thing happens. They began to recruit more people from the Punjab and from Northern India and they afterwards began to make a principle of it that these people are more brave. The same thing may happen in other departments as well. Today, for instance, we have got more people in our Finance Department from Madras. Some one may come forward and say these Madras people are more fitted for the Finance Department and, therefore, recruitment to the Finance Department should be restricted only to the Madras people.

Sir, I would like to ask some of those friends of mine who spoke today that the Army should not be recruited on territorial lines, but should be recruited nationally, how would they like a Madras officer of the Finance Department or a Madras Member in charge of the Finance Department making a rule that as Madrasis are better than others in the Finance Department, therefore, recruitment to that Department should be confined to Madrasis only. So, it comes to this that after having somehow recruited more people from Northern India, Government thought that it was also useful politically. I do not suggest for a moment that this discrimination or distinction was brought about deliberately by the British officers, but this distinction or difference having taken place they find that it is politically also useful. It divides the country; the communal movement is more useful to the Government. I do not suggest for a moment that Government foments communal differences, but this movement is useful to them politically. Similarly, the distinction which has been made in the military is useful to them. They know that when vested interests are created and you begin to take away those vested interests, there will be trouble, there will be civil war. These things afford a chance to the British Government to remain in India for all time to come.

Some of my friends here said that you could make recruitment on communal lines and even on territorial lines in the case of the Civil Departments, but not in the case of the Army. Has anyone really shown that the Army is more important than the Civil Departments? Let me at least ask the Army Secretary on behalf of Government whether he is going to make a distinction between the Army and the Civil Departments and say that the Civil Departments are not as important for the country as the Army is? What is the use of your defending the country if there is no proper civil administration in the country, and if we do not get proper education and enough to eat? It is, therefore, wrong for any Government or for any responsible legislator to say that the Army is



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more important than the Civil Departments. Sir, we cannot make any distinction between the Civil Departments and the Army Department.

One word more and I have done. My friends here want a proof that the other people are as brave as they are. I had thought that at least decency, if not modesty, would prevent my friends like Mr. Yamin Khan and others from saying that they belong to a race which is more brave.

**Mr. Muhammad Yamin Khan:** I never said that.

**Mr. N. M. Joshi:** I was disappointed when I heard those remarks. I would have hesitated in following that method. But, unfortunately, I had heard that statement not once, but hundred times and let me now say very frankly what I think about my friends from the north. I do not wish to offend the susceptibilities of anyone: I have never done it. But let me ask a question, especially from my friends from the Punjab. Punjab is divided into Hindus, Sikhs and Muhammadans. I take it that Government consider all these three communities as more brave than the other communities in the other provinces. The Hindus and the Sikhs together are 45 per cent. in the Punjab and they are afraid of the Muhammadans who are 55 per cent. If the Hindus and the Sikhs were a set of brave people, could they be afraid of the Muhammadan rule in the Punjab? But they are fighting now against this very fact that the Muhammadans will rule the Punjab and they do not know what will happen to their lives and to their property. And, Sir, what about the Muhammadans? The Muhammadans in the Punjab are 55 per cent. of the population and they are afraid that their lives and properties are in danger from 45 per cent. of the Hindus and Sikhs and, therefore, they want a statutory majority in the Legislative Council. These are not proposals that should come from a brave people. There is a limit to the patience of people who come from the south. Let my friends from the north remember that it will be helpful to the British people to create divisions amongst us, but it will not help us. Sir, I have done.

**Maulvi Sayyid Murtuza Saheb Bahadur** (South Madras: Muhammadan): Sir, I rise to support the Resolution which has not been properly understood by some of the gentlemen here who were afraid of provincialism against nationalism. Here it is said:

"This Assembly recommends to the Governor General in Council that the South Indian Infantry Battalions be again raised, etc."

It is not simply "raised" but "again raised". Now, the question is that we, the Madras and Bombay people, had battalions of our own for years together.

**Mr. S. C. Mitra:** And Bengalis also.

**Maulvi Sayyid Murtuza Saheb Bahadur:** Yes, Bengalis also. And these battalions have proved very useful to the British Raj. The southerners have contributed a good deal towards the British army; so much so, that as my friend, Mr. Reddi, has proved, an Indian army consisting of southerners was able to defeat the Britishers at the time of Hyder Ali. And what about Tipoo Sultan who was named "the Tiger of Mysore"? Britishers were afraid of Tipoo Sultan and they were obliged to enlist the co-operation of the southerners, consisting of the

Hyderabad force and the Mahrattas. But for their co-operation they would not have been able to defeat the Tiger of Mysore. Then, Sir, as you know, I come from Trichinopoly which was the battle-field during the time of Lord Clive, the founder of the British Empire in India. The Golden Rock which has come to prominence owing to the workshop of the South Indian Railway was a battle-field when southerners, under the command of Ahrar Khan, were able to defeat the forces of Chanda Saheb, commanded by Dupleix. And, but for the army of Muhammad Ali, better known as Walajah, who was the first ally of the British in the whole of India, the British Raj would not have been able to establish itself in South India. Then, what happened in Arcot? The commissariat was quite inadequate and could not meet the necessary requirements. What did the Madras Army do then? They approached their commanding officer and said that they would be satisfied with rice water (Kanji) and the rice might be given to the European soldiers. They were so patriotic and so sympathetic, as generally is the case with Indians, that they did not care so much for themselves as for the Britishers. Now, what has been done? Such a force has been disbanded and that is why the word "again" is used in the Resolution. Madras and Bombay people were tried not once, but hundreds of times, and, for centuries, they proved themselves equal to the task. Now, if Britishers prove ungrateful to them, it would be very unbecoming on their part, and that is why this Resolution is tabled.

**An Honourable Member:** Sandhurst is open to all the provinces.

**Maulvi Sayyid Murtuza Saheb Bahadur:** How can there be officers without soldiers and sepoy's?

**Captain Sher Muhammad Khan Gakhar:** Officers get more pay.

**Maulvi Sayyid Murtuza Saheb Bahadur:** We are not concerned with the question of pay; we don't attach so much importance to pay as we do to our right to defend the motherland.

Sir, as regards the Muslims, I would say that though we form only seven per cent. of the whole population of Madras, the Muslims contributed a great deal to the army, particularly the Moplahs. And then the peculiarity in our province is that our Hindu brethren will not grudge it, and if you have any number of Hindu officers or sepoy's in the regiments, the Muslims will not grudge it. So, when there is so much cordiality and amity among the Hindus and Muslims of Madras, I do not see any reason why they should not be enlisted in infantry battalions. Of course the question that they would be enlisted as artillery people is, in my opinion, mere eye-wash.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was taken by Mr. Muhammad Yamin Khan.]

This is not a new thing for them. Prior to 1857, we had so many Madras artillerymen among the southerners. What are the Government giving them anew? Nothing.

Then, as regards the physiological point, it is well known that those who are intellectually strong must necessarily be strong in their physique and those that are not physically strong will be intellectually weak. That is a principle which cannot be questioned by anybody. So, Sir, this

[Maulvi Sayyid Murtuza Saheb Bahadur.]

Resolution, as it stands, should be paid due regard to by Government. The southerners should not be confined to the artillery only, but they should be enlisted as sopoys also. With these few words, I support the Resolution whole-heartedly.

**Mr. Gaya Prasad Singh:** Sir, I have great pleasure in supporting this Resolution. My Honourable friend, Mr. Uppi Saheb, said that people from northern India did not hold a good opinion of the fighting qualities of the people of southern India, and it is, in refutation of that allegation, that I rise to add a few words on this occasion.

Coming from the province of Bihar, which is situated in the north of India, I think I should like to offer just a few observations in support of this Resolution. Government have purposely and deliberately divided the population of India as fighting and non-fighting classes. The fighting qualities or intellectual qualities of a race depend more or less upon the environments and upon the training, and it cannot be argued for one moment that a particular race or a particular community possesses all the necessary qualifications if it has not the necessary training behind it. In support of my proposition, I will only read one short sentence from the opinion of such an eminent military authority as Field-Marshal Earl Roberts in his book "Forty-one years in India". He says at page 532:

"In the British army, the superiority of one regiment over another is mainly a matter of training. The same courage and military instinct are inherent in English, Scotch and Irish alike."

Then, he goes on to say:

"But no comparison can be made between the martial value of a regiment recruited among the Gurkhas of Nepal or the warlike races of northern India and one recruited from the effeminate peoples of the south."

This indicates the mentality of even such a high military authority as Earl Roberts in trying to divide India into martial and non-martial races. If it is a question of the British, they are equal, whether they are English, Irish or Scotch. But when it comes to a question of Indian population, it suits his purpose to divide the population of India into martial and non-martial races. In order to keep up the superiority of the British as having the initiative to lead an army, Lord Roberts goes on to say that the qualities of initiative are virtually a monopoly of the English people. He says in the next page:

"Indian soldiers, like soldiers of every nationality, require to be led, and history and experience teach that eastern races (fortunately for us), however brave and accustomed to war, do not possess the qualities that go to make leaders of men, and that native officers in this respect can never take the place of British officers."

The expression "fortunately for us" is very significant. The wish is the father to the thought. It is not to the interest of the British Government to give the same training to the Indians; it is not to their interest to put us in positions of responsibility and trust, and it is, therefore, natural for them to presume that Indians are inherently incapable of possessing those requisite qualifications that go to the making of a successful General. My Honourable friend, Mr. Ramakrishna Reddi, said that it was with the help of the South Indian battalions that the foundation of the British

Empire in India had been laid. "I wish he had not made that statement. What does it indicate? It indicates, if I may say so frankly, without mincing words, that they have not been loyal to their own motherland, by fighting for a foreign race who has now conquered them and has deprived them of what is legitimately due to them. It is not a matter of pride for any Indian that he or his forefathers should have been instrumental in helping a foreign nation to maintain hold upon his own motherland . . . . ."

**Mr. T. N. Ramakrishna Reddi:** I mentioned it just to show their fighting qualities.

**Mr. Gaya Prasad Singh:** If they have proved disloyal to their motherland at one time, it is not unnatural that the British Government should look upon them with an eye of suspicion. I am thankful to my friend, Mr. Yamin Khan, for giving a compliment to the Kshatriyas and Rajputs and to their martial qualities, a race to which I have the proud privilege to belong. My Honourable friend, in his speech, said that appointments in the army should be determined mainly on grounds of efficiency. I would ask him respectfully to advance his proposition a little bit further, and say that all appointments under Government should be by merit and by merit alone. There should be no question of communalism; there should be no question of territorialism; there should be no question that, because a man happens to belong to a particular community, he should be given an appointment. If our Madras friends claim that, because they are Madrasis, they should get a particular appointment whether in the Civil or Military Department of the Government of India, it is to be deprecated. It is by reason of their intellect that they are having their share of appointments in the civil side of the Government. If it comes to a question of giving an appointment to a particular community, we find that the enthusiasts of that community always claim that they should get a particular appointment, because they belong to a particular community. This should be no criterion. It was in this view of the matter that I once tabled a Resolution that appointments under Government should not be made by patronage, but as a result of open competitive examination, eliminating all distinction based on caste and creed. But a proposition like that would not find favour with particular communities. It is possible that a man possessing high intellectual attainments should also be gifted with physical and moral courage. As my Honourable friend has pointed out, physical bulk does not determine the moral courage of a man; and, as an example, reference was made to my Honourable friend, Mr. Kabeer-ud-Din Ahmed (Laughter). I am not going to make any personal aspersions. As has been pointed out by my Honourable friend, Sayyid Murtuza Sahab Bahadur, there were already South Indian Infantry Battalions in existence. When these battalions came into existence, it must be presumed that they came up to the scratch. They were recruited not because they belonged to a particular community or to a particular territory of India, but they were recruited for reasons of physical fitness and efficiency. Now that they have been disbanded, it is quite natural that our friends from the South should have a legitimate grievance, and it is up to Government to remove that source of grievance. Sir, when a class or community finds itself entrenched in a position of privilege or monopoly, it is natural that it should be unwilling to part with those privileges, but we must rise above these personal, petty communal considerations. We must give the same

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opportunities to our friends from the South which we in the North have received from time immemorial, and which has gone to make the people of the North as efficient as any people elsewhere. With these few words, I support the Resolution before the House.

**Kunwar Raghur Singh:** I move that the question be now put.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I thank you for having given me an opportunity in spite of my friend, Kunwar Raghur Singh, asking for the question to be put now. The subject which has been discussed today on the floor of the House has been discussed in the spirit of the philosophers differing. It is quite possible that when one Commander-in-Chief is here, he dictates one policy, and when another Commander-in-Chief comes, he dictates another policy, because from the references, which have been read out before the House today, we find that the policies have always differed from time to time. When the Honourable the Army Secretary was speaking today, he referred to the present Commander-in-Chief's policy; we have also heard of the policy laid down by General Roberts and several others. It is just like the case of doctors differing about the diagnosis of a disease; here also it is a question of diagnosis of the disease as to who should be enlisted in the army, whether a Southerner should be taken or a Northerner should be recruited, but the fact remains that it is not the Southerner or the Northerner who is to decide the policy as regards recruitment, but the policy is laid down by the rulers of the country who determine what exactly should be the policy.

Sir, there were times in this Indian Empire when the Muhammadans were ruling in this country, and they too had their own policy, e.g., their policy was, as we find today, the policy of the Afghan Government of taking hostages. Now, if Muhammadans took hostages from different Indian States, so are the Afghans doing at present, and some of the border races are doing the same thing. It is really a question of policy which the rulers of the country determine from time to time. Now, as Indians, we have a right to ask the present Government to enlist us as much as they can in the Indian army. Sir, Indianisation is one of the subjects for which India has been crying for a very very long time. If our friends from the South ask this House to help them to be recruited in the British Army, I think it is not from any provincial view point that they do so, but they ask for that privilege as a matter of right. I do not grudge them their right to come into the army, and I think nobody will grudge this right to all those who are capable of being enlisted in the British Army. The only point is this, whether our friends from the South are capable enough or have strength enough, or if my friend, Mr. Mitra, would like me to say, if they have brains enough to be enlisted in the British Army. Every kind of qualification should be considered, and it is but meet and proper that Government should enlist such people in the army who may be able to defend not only the people of the country, not only their borders, but also the present ruling nation itself. If we look at this matter from a patriotic point of view, I think there is none here or outside who will deny this right. If today the British Government decide not to enlist men from the Punjab or from Northern India, I am sure, tomorrow our friends from the Punjab will come to this House and demand, as a matter of their

legitimate right, that they should be enlisted not only on account of their physical fitness, but as a due share, as a matter of right; and it will not be quite correct to say that from two big provinces of Bengal and Southern India you will not be able to find enough people to fight in the British Army. If the stature of a man is to be considered, if the strength and prowess of a man are to be considered, I would ask, then, as some of my friends asked on the floor of this House, why the pigmies are being enlisted from outside the borders of India. Why are they enlisted? Why are the Gurkhas recruited in such large numbers? It is not because that they have a big stature, but because the Government really know that the Gurkhas are a good fighting nation. If these disqualifications are removed, not only for the Southerners or for the people of Bengal, but for every Indian who is not now enlisted in the army so freely, Government would be doing a great service to the people, and no province will have any cause to complain, whether it be in the Army or in the Civil Department.

It is quite obvious that the services of the State should not be the monopoly of any one class, clan or province, and I think my friend, Captain Sher Muhammad Khan Gakhar, will subscribe to this view, whether it is the Army or the Civil Department. Every one knows that in this age of democracy such rights are conceded and they are bound to be conceded hereafter. As we come to the new constitution, every one of us knows that the democratic principles will have to be applied, and we shall have to act upon them. So, why should we not prepare ourselves to have those democratic principles expounded and acted upon from today? It is a rule of democracy that if the people have to defend themselves, why should the armies of Southern India be called upon to defend the Punjab? The Punjab people will be very good fighters with their neighbours in the North. If the people of the South are called on to fight our neighbours in the North or on the borders, it is quite possible that they may not be able to endure the sufferings which are inevitable in these parts of India and which the Punjab people will be able to sufficiently endure. Similarly, if our Punjab friends have to fight on the borders of Bengal, I am sure, unless they get the same quality of food like meat and other things which they use in their daily diet on this side of India, it will be very difficult for them to carry on the fight in the plains of India, against attacks from Nepal side. It is the indigenous people of a province alone who will be able to efficiently fight with their neighbours. But there are undoubtedly policies that underlie all these matters. Every one of us knows that service to our motherland should be our prime duty. And if our friends from Bengal or from Madras today want this House to endorse this Resolution, it is simply because they want to serve their motherland. They want to defend their own hearths and homes, they want to defend their own country, and I should ask my friends, who have today opposed this Resolution, to consider this fact very seriously. If these people come forward to lay down their lives for the defence of their motherland and for their own provinces, why should people from other provinces come forward and say: "No, you have no right to do that. We will defend your hearths and homes"? My submission is, that this is not only in accordance with the principles of democracy, but it should be the feeling of every son of this motherland. Let those, who come forward to lay down their lives for their country, do so. That should be the motto. In these words, I welcome the Resolution of my Honourable friend, Mr. Jadhav.

**Some Honourable Members:** Let the question be now put.

**Mr. B. V. Jadhav:** In the first place, I have to offer my thanks to all those who supported the Resolution which I had the honour to move, and also to those who opposed it. I understand their feelings and their difficulties, and I also appreciate their points of view. I am very thankful to them for the expression of their views. Many of my Honourable friends rather misunderstood me and have taken exception to the wording of the Resolution inasmuch as it is confined to the South Indian Infantry Battalions alone and the province of Bengal has been omitted. Far be it from me to entertain any idea that the Bengalis are not fit for the army. I had no intention of omitting them. As a matter of fact, I am not at all responsible for the wording of this Resolution. I had not tabled this Resolution, but Mr. Rajah, who had tabled it, had to leave for Bombay very suddenly and, in the Simla Session, somebody asked me to adopt this child. I could not neglect an orphan child and, therefore, I placed it before this House.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): You are the adoptive father?

**Mr. B. V. Jadhav:** Call it rather mother. My friend, Captain Sher Muhammad Khan Gakhar, is a keen army man and he has given some sound advice. He is very grateful to His Excellency the Commander-in-Chief for taking 60 cadets into the Indian Military Academy every year. I am also very grateful to His Excellency the Commander-in-Chief for this mercy, but I must say, I am not at all satisfied. The annual wastage in the army is computed at about 120 and the new policy of doing away with the Viceroy's Commission and replacing the Viceroy's Commissioned Officers by King's Commissioned Officers has created a situation which will put off the Indianisation of the Army to a very lengthy period.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) resumed the Chair.]

Ultimately the annual wastage of 120 officers will grow to no less than 280 officers, and, for that reason, the number of cadets admitted to the Indian Military Academy ought to be raised at least to that number.

**Captain Sher Muhammad Khan Gakhar:** It will be increased proportionately.

**Mr. B. V. Jadhav:** Till then I shall not be satisfied. Of course, I am not in any hurry; I am not very impatient; but I have to state on the floor of this House that the number 60 is not at all adequate and, I hope, that His Excellency the Commander-in-Chief will see his way to increase that number in the near future.

My Honourable friend from Madras, Mr. Reddi, charged the British Government with ingratitude. I think he forgets the principle that gratitude is a lively sense of favours to be expected. It is not for past favours or past services. If a man will be useful to one in the future, then that one is very grateful to him, but if no favours are to be expected, then, of course, the services are soon forgotten, and I think that is an almost every day experience. In the case of the army too, there is a Resolution lower down, which, had there been time enough, would have shown that even those, who shed their blood and became disabled for life, are not treated

generously and liberally by the British Government. I am not dealing with that now, but I state that only with respect to the feeling of gratitude.

Then, I come to my friend, Mr. Yamin Khan. I rather admire his credulity. He has read somewhere that the Mahrattas were so very useless that when they invaded Delhi, the goondas of Delhi slapped their faces. I really admire the credulity of the man. But let me tell him that when in 1802, the British, under Lord Lake, took possession of Delhi, it was in possession of the Mahrattas in spite of the goondas of that place. The goondas could not drive them out, the English had to do it. But, I think, the authority on which my friend relies may also be true. If the goondas belonged to a questionable sex, then, of course, no Mahratta soldier would raise his finger to resist that sort of person.

As regards the comments offered in this House condemning the provincialisation of the Army, I have only to say that I never claimed that each province should have regiments recruited from its people. But, at the same time, I may point out that the question of raising provincial levies will have to be dealt with in the near future. When provincial autonomy comes, people will demand their proper share in the recruitment and maintenance of the army and, for the purpose of preserving peace and law and order, local levies will have to be recruited and maintained and trained. Some may say that it is the business of the provinces to incur expenditure on those levies; but I do not think that when the provincial levies come, they will be in addition to the present strength of the army. That will be increasing the expenditure on the army quite abnormally. Some adjustment will have to be made, but the question of raising provincial levies will have to be tackled in the near future and cannot be avoided.

Much has been said about the martial qualities and the non-martial qualities of men. The whole of the ancient history, from the days of Rama to the present day, has been drawn upon on this occasion. I have no reason to traverse over such a vast period. I have to admit that many of the theories and many of the incidents of ancient history trotted out here have raised a doubt in my mind about my scanty knowledge of history and, I admit, that on a future occasion I shall try to revise my knowledge. But let me tell this House that at one time or another in the past history of this country, the people of every province proved that they possessed martial qualities. Empires have risen in every province and, in those days, they took their victorious armies over vast territories. Some have done that in the very long past. Some have done that in the very near past. But, all the same, military qualities are not the monopoly of any one province or race. India has proved that if opportunities and proper training are given, the people will show that they are able to do military work as their forefathers did in ancient times. Now, the cry is not only that the commissioned ranks of the army should be open to the people of India, but, at the same time, the rank and file of the regular army should also be open and I have given one of the reasons why it has become very necessary that the recruitment of the army should not be limited to particular races and to particular provinces. The doctrine that higher officers should be in proportion to the number of the rank and file is, I think, not very objectionable; but it presupposes that every community has an opportunity of being recruited. When you make rules that a particular community only will be recruited in



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the ranks and another community will not be taken in at all, then, to say, that the officers' rank should be only available in proportion to those who are working in the rank and file of the army, is a futile one. If you keep the army open for recruitment, then alone you can lay down that principle and say that the officers in the higher military service should be in proportion to the number of men recruited in the rank and file. The complaint of the southern people usually is that in making selections to the Academy, the northern people are given more preference and candidates from the two southern Presidencies do not get in at all. There have been two selections to the Academy and it is very difficult to say whether my own people, the Mahrattas, have got a single seat. I leave that to His Excellency the Commander-in-Chief and the Army Secretary to look into.

In response to the demand from the country, His Excellency the Commander-in-Chief has reduced the number of fighting units, and the Army Secretary has told us that the total strength of the army now stands at less figure by 40,000 from the numbers in 1913. This is a matter for congratulation and I am very thankful to the Commander-in-Chief and the Army authorities for giving their consent to the reduction of this number. But I think that even the present number which stands at about 1,88,000 is much too high for the docile people of this country.

**Mr. S. C. Mitra:** What is the reduction in expenditure since 1913?

**Mr. B. V. Jadhav:** I do not think there is any reduction. The total expenditure might have increased.

**Mr. S. C. Mitra:** Not *might*. It *has* increased several times.

**Mr. B. V. Jadhav:** The country expects that this huge burden on the army expenditure would be lightened in the near future.

**Captain Sher Muhammad Khan Gakhar:** How can the military burden be lessened if more battalions are raised?

**Mr. B. V. Jadhav:** My friend asks me how the military burden can be lessened. He misunderstands me. I do not claim that the present strength should be increased in order to do justice to a particular province or a particular race. There ought to be a proper adjustment and, in that way, opportunities should be given to other people.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member should conclude now.

**Mr. B. V. Jadhav:** In conclusion, Sir, I am really satisfied with the assurance given by my Honourable friend, the Army Secretary, that His Excellency the Commander-in-Chief has come to realise the claims of the Madras people and that, in the scheme of Indianization of the army, in the artillery arm, advantage will be taken of engaging the Madras people for that work. It is a great compliment to the Madras people no doubt and, on their behalf, I thank His Excellency the Commander-in-Chief for this concession. (Applause.) Of course the numbers that will be recruited

will not be very large in the beginning, but I expect that they will gradually increase. At the same time, I may say, that the country as a whole expects that when more and more men will be recruited for the artillery, Madras will not be the only recruiting centre, but other provinces will also share in the responsibility and honour of such chances. On this assurance, Sir, from the Army Secretary, I beg the permission of the House to withdraw my Resolution.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Does the Army Secretary wish to reply?

**Mr. G. R. F. Tottenham:** I understood, Sir, that I had no right of reply, but actually I have very little to add to what I have already said this morning. There is only one point I should like to make clear; that is, as regards the policy which now governs the matter of recruitment to the army. I should like to assure the House that that policy has nothing of a political nature behind it, but, as I have said, is prompted entirely and solely by the desire to secure the best fighting material. As regards what Mr. Jadhav said just now about future recruitment for the artillery, that is a matter that, of course, must wait for the future; but, if I did not make it clear before, I wish to explain that Madras is not the only classes that are going to be recruited now. The first brigade of artillery will contain four batteries, and Madras is going to be recruited for one of these. The other three batteries will be recruited from other classes,—although I cannot say that they will be recruited from what are called the non-martial classes. (Laughter.) I do not think I have anything more to say.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member asks the leave of the House to withdraw the Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I am prepared, if the Non-Official Members so desire, to sit longer today. (*Voices:* "It is about five now.") The House now stands adjourned till tomorrow morning, at 11 A.M.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 9th February, 1933.







## LEGISLATIVE ASSEMBLY.

*Thursday, 9th February, 1933.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### CHILD MARRIAGE RESTRAINT ACT.

**303. \*Pandit Satyendra Nath Sen:** (a) Is it a fact that Government lent their support to the Child Marriage Restraint Act (Sarda Act)? If so, why?

(b) What were the numbers of signatures submitted to Government for and against the passing of the said Act?

(c) Which provincial Governments gave their opinion for and which against the measures?

(d) Are Government aware that the said Sarda Act has produced widespread discontent in the country among the orthodox sections of the Hindus and Muhammadans?

**The Honourable Sir Harry Haig:** (a) Yes. The reasons for the attitude adopted by Government were fully stated when the Child Marriage Restraint Bill was under consideration.

(b) I would draw the Honourable Member's attention to the answer given by Sir James Crerar to the short notice question asked by Mr. M. K. Acharya on the 4th September, 1929, to the answer given to his starred question No. 656 on the 19th March, 1930, and to the statements laid on the table from time to time by the Secretary of the Assembly on petitions relating to the Hindu Child Marriage Bill which are included in the Assembly Debates of 1929, Volume IV.

(c) I would refer the Honourable Member to the Legislative Assembly papers containing opinions on the Bill which are available to Honourable Members.

(d) Government are aware that the Act is viewed with disfavour by certain sections of opinion.

**Pandit Satyendra Nath Sen:** Was there any pressure put upon the Government from any quarter outside India regarding the passing of this Bill?

**The Honourable Sir Harry Haig:** The Government took their action in accordance with their own judgment of what was right.

**Pandit Satyendra Nath Sen:** Do Government realise the magnitude of the section which has been dissatisfied by the passing of this Act?

**The Honourable Sir Harry Haig:** I am not prepared to go further than what I have already said, namely, that they are aware that the Act is viewed with dissatisfaction by certain sections of opinion.

**CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL BY RAJA BAHADUR G. KRISHNAMACHARIAR, M.L.A.**

304. **\*Pandit Satyendra Nath Sen:** (a) Did Government put any pressure on any Nominated Official or Non-Official Member to vote against the Child Marriage Restraint (Amendment) Bill of Raja Bahadur G. Krishnamachariar which was discussed by the House in Simla in September, 1932?

(b) If so, who are they?

(c) Are Government aware that marriage is an essential part of religion among Hindus as well as Muhammadans?

(d) If so, why was the Bill opposed by Government?

(e) Are Government prepared to change their attitude now?

(f) If not, why not?

**The Honourable Sir Harry Haig:** (a) It is well understood that nominated officials vote with Government. No pressure was brought to bear on nominated non-officials.

(b) Does not arise.

(c) Government are aware that the view is widely held that marriage rests ultimately upon a religious basis.

(d) I explained the attitude of Government in the House on the 13th September, 1932, during the course of the discussion of the motion that the Bill be taken into consideration.

(e) and (f). Government do not propose to change that attitude.

**Pandit Satyendra Nath Sen:** If marriage is regarded as a religious matter, how is it that Government did venture to interfere with that practice and acted contrary to the Queen's Proclamation?

**The Honourable Sir Harry Haig:** If the Honourable Member was present in the House in Simla in September last when this matter was under discussion and did me the honour of listening to my speech, I think he would there have found the answer.

**PROTECTION TO THE INDIAN HOSIERY INDUSTRY.**

305. **\*Bhai Parma Nand** (on behalf of Lala Rameshwar Prasad Bagla): (a) Will Government please state if they have received any representation from the United Provinces Chamber of Commerce, Cawnpore, on the desirability of giving adequate protection to the Indian hosiery industry? If so, when?

(b) Will Government please state what action, if any, they took on the above letter?

(c) Will Government please state if they are aware that the value of the *yen* has been unceasingly falling every day since Japan went off the gold standard?

(d) Will Government please state if they are aware of the effects of the fall in the value of the *yen* on the hosiery industry?

(e) Are Government aware that Japan has been always a great menace to the Indian hosiery industry and that it is the more so at present?

(f) Have Government made any efforts so far to counteract the effects of the fall in the value of the *yen* on Indian manufacturers of hosiery goods? If so, will Government please state the action they have already taken or propose to take in the matter?

(g) Will Government please state if the Tariff Board, during their last inquiry into the cotton textile and hosiery industries, failed to get convincing evidence in support of the need for granting further protection to the hosiery industry?

(h) Will Government please state the number of witnesses who appeared before the Tariff Board to give evidence exclusively for the protection of the hosiery industry?

(i) In view of the present plight of the industry, have Government considered the question of instituting another independent inquiry into the hosiery industry?

**The Honourable Sir Joseph Bhoré:** (a) No.

(b) Does not arise.

(c) The value of the *yen* in terms of the rupee has certainly fallen since Japan went off the gold standard, but to say that it "has been unceasingly falling every day" is an exaggeration.

(d) to (i). As the Honourable Member is obviously aware, the claim of the Hosiery Industry to protection has been examined by the Tariff Board as part of its recent enquiry into the question of protection for the Indian Cotton Textile Industry. The Board's Report has been received by the Government of India and is still under their consideration. Until this is completed and decisions taken, I am not, as the Honourable Member doubtless realizes, in a position to make any announcement on this subject.

#### CUTS IN THE SALARIES OF GOVERNMENT SERVANTS.

306. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) Will Government be pleased to state whether the temporary cuts in salaries of all employees will be restored from the 1st April, 1933?

(b) Is it proposed to restore the cuts in the salary of the employees of certain departments only and, if so, what are the departments to be thus benefited?

(c) What are the reasons for such discrimination in treatment?

(d) Is it proposed to restore only a portion of the emergency cut in salaries in the coming year and, if so, what is the percentage proposed?

**The Honourable Sir George Schuster:** I would refer the Honourable Member to the reply given to an identical question asked by Mr. Lalchand Navalrai on February 7th.



**GRIEVANCES OF POSTMEN PROMOTED TO THE CADRE OF LOWER DIVISION CLERKS.**

307. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) Will Government be pleased to state whether their attention has been drawn to the article under the heading "Sad plight of postmen promoted to lower division clerks cadre" published in the December, 1932, issue of the *General Letter* of the All-India Postal and Railway Mail Service Union, Madras Circle, Madras?

(b) Has the Director General, Posts and Telegraphs, received any communication from the General Secretary of the All-India Postal and Railway Mail Service Union, Delhi, for the redress of the grievance complained of?

(c) Have any orders been issued by Government in the matter and, if so, what are the orders issued?

(d) Is not reversion of the officiating lower division clerks, promoted from postmen to lower division leave reserve clerks, a violation of the Government of India orders creating such appointments and filling up such appointments exclusively by duly qualified postmen?

(e) Are Government prepared to restore the aggrieved men to their original pay and position immediately? If not, why not?

**Sir Thomas Ryan:** (a) Government have seen the article referred to.

(b) Yes.

(c), (d) and (e). The matter is at present under correspondence with the Postmaster-General, Madras, and on receipt of his report Government will take such action as may be considered necessary.

**CONVERSION OF THE PARK TOWN DELIVERY POST OFFICE, MADRAS CITY INTO A NO-DELIVERY POST OFFICE.**

308. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) Will Government be pleased to state whether there is any proposal to convert the Park Town Delivery Post Office, Madras City, into a no-delivery post office and locate it in some other place and, if so, where and why?

(b) For how many years has the Park Town Post Office been working as a delivery post office?

(c) Are Government aware that it is one of the heaviest and busiest town sub-offices in the Madras City next in importance to the Mount Road Post Office?

(d) If the Park Town Post Office is converted into a no-delivery office, is it proposed to issue the delivery of articles for residents on the east and north of Park Town from Madras General Post Office, the postmen being conveyed in *jutkas* to the starting point in the delivery area?

(e) Are Government aware that on account of the delivery jurisdiction of the Madras General Post Office being very wide, the residents at the extreme wings of the delivery area receive articles some hours after the mails are received in the Madras City?

(f) Is it the policy of the Department to curtail all the facilities for the public while the postal charges are ever on the increase?

(g) Simultaneously with the conversion of the Park Town Post Office into a no-delivery office, is it proposed to remove the Ripon Buildings No-Delivery Post Office to some other place and convert it into a delivery post office?

(h) Do Government propose to abandon the proposal? If not, why not?

**Sir Thomas Ryan:** (a) to (e), (g) and (h). Government have no information on the subject. The matter is within the competence of the Postmaster-General, Madras, to whom a copy of the question is being sent.

(f) No.

**INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.**

309. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) Will Government be pleased to state whether the inadequacy of the space for the staff in the Madras General Post Office was brought to the notice of the Government by interpellations in the Legislative Assembly in the year 1930?

(b) Is it a fact that as a result of the enquiries made in the matter, the Madras Post and Telegraphs Co-operative Credit Society, Ltd., and the Postal and Railway Mail Service Co-operative Benefit Fund Ltd., which were located in the Madras General Post Office Buildings and which paid a total rent of about Rs. 150 were removed from the Madras General Post Office Buildings and that thus the requisite accommodation was made available to the General Post Office staff?

(c) Is it a fact that some time back the Bag Office which was located in a spacious building elsewhere was removed to the Madras General Post Office Building and located in a very inadequate place?

(d) Is it a fact that the window delivery post boxes were removed from the ground floor of the Madras General Post Office to the first floor making the Delivery Department ill ventilated and very much congested?

(e) Is it a fact that the Foreign Money Order Department was removed to a very narrow and congested place and located in the Money Order Department?

(f) Is it a fact that the tiffin room used by the Hindu clerks, postmen and officials of the lower grade staff of the Madras General Post Office and the rest room used by the postmen have been vacated and smaller and narrower areas provided for them and that the old tiffin room is being kept vacant?

(g) What is the total strength of the staff in the Madras General Post Office Building including the staff of the Customs Department working in the General Post Office?

(h) What is the total area available for each department in the Madras General Post Office and the total staff of each department?

**Sir Thomas Ryan:** With your permission, Sir, I propose to take questions Nos. 309—314 together. Information is being collected and replies will be placed on the table of the House in due course.

### INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.

†310. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) What is the space provided for a postmaster, clerk, postman and lower grade staff as per rules of the department?

(b) Are Government prepared to provide additional space over that provided in the rules for certain departments for counter work, strong room, area covered by special furniture like big delivery tables for emptying the contents of the large number of bags opened, sorting cases, window delivery post boxes, etc.? If not, why not?

(c) Are Government aware that during delivery hours the staff of the delivery department are put to very serious inconvenience having practically not an inch of space to move about and the congestion in the department causes grave risk to the health of the staff and the performance of efficient work?

(d) Is it a fact that the Money Order Department is so congested that in some portions of the department there is hardly two feet of space between two clerks and in some places groups of four clerks are seated within an area of about 30 square feet?

### INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.

†311. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) Is it a fact that the records of most of the departments of the Madras General Post Office are kept in the Correspondence Department?

(b) Is it a fact that if the space absorbed by the records is excluded, the rest of the space is inadequate for the staff of the Correspondence Department?

### INADEQUACY OF THE SPACE FOR THE STAFF IN THE MADRAS GENERAL POST OFFICE.

†312. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) Is it a fact that electric fans are not run in many of the departments in the first floor of the Madras General Post Office between October and March, and that the space in each department is much congested and that the officials are surrounded by lots of almirahs, racks and sorting cases which obstruct free entry of light and air?

### STRUCTURE OF THE MADRAS GENERAL POST OFFICE BUILDING.

†313. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) When was the Madras General Post Office building constructed?

(b) Are Government aware that the structure of the Madras General Post Office building is such that except the central hall in the first floor and the place where the Correspondence Department is located, the rest of the building is unfit for use as a public office on account of the absence of adequate light and air?

(c) What is the width of the passage in the central hall in the first floor of the Madras General Post Office leading to the several departments?

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†For answer to this question, see answer to question No. 309.

(d) Are Government aware that it is very inadequate for the several hundred officials working in the Madras General Post Office who have to pass through the passage frequently?

**WANT OF PROPER LAVATORY ARRANGEMENT IN THE MADRAS GENERAL POST OFFICE BUILDING.**

†314. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) Is it a fact that about 300 clerks and about an equal number of postmen and lower grade staff working in the Madras General Post Office have no access to any lavatory in the General Post Office buildings and that they have to use a very small lavatory at a distance of nearly a furlong from the Madras General Post Office?

(b) Was any representation received by Government for the provision of adequate space for each department and for the provision of adequate tiffin rooms and latrines in the General Post Office buildings and, if so, what action has been taken by the department?

**REMOVAL OF THE SORTING OFFICE TO THE MADRAS GENERAL POST OFFICE BUILDING.**

315. **\*Mr. Muhammad Muazzam Sahib Bahadur:** (a) Will Government be pleased to state whether their attention has been drawn to the article under the caption "Economy on the wrong side" published in the *General Letter* of the All-India Postal and Railway Mail Service Union, Madras Circle, of December, 1932?

(b) Is there any proposal to remove the Madras General Post Office Sorting Office to the Madras General Post Office buildings and, if so, on what reasons?

(c) What is the total plinth area occupied by the several departments of the Madras General Post Office Sorting Office in the present building?

(d) What is the total strength of the staff of the Madras General Post Office Sorting Office and what is the total area required for the staff as per rules prescribed by the department?

(e) Are Government aware that the present building is quite insufficient for the large staff working in the office and for the proper conduct of the work?

(f) Is it a fact that the building belongs to the Madras and Southern Mahratta Railway authorities who have leased the building to the post office and, if so, on what rent?

(g) Have the Railway authorities agreed to put up some extension to the building provided additional rent is paid and, if so, what is the increase in the rent demanded?

(h) Is it a fact that the building was originally constructed by the railway authorities for the location of the Madras General Post Office Sorting Office and the Park Town Post Office?

(i) Was the building taken by the post office on any lease and, if so, when does it terminate?

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†For answer to this question, see answer to question No. 309.

(j) Is the necessary space available in the Madras General Post Office for the removal of the Madras General Post Office Sorting Office?

(k) Is it proposed to remove the Madras General Post Office Sorting Office to the ground floor of the Madras General Post Office building?

(l) What is the height of the roof of the ground floor of the Madras General Post Office buildings, where the Stores and Sorting Departments are located?

(m) What is the length and breadth of the portion of the building used by the Stores and Sorting Departments?

(n) Is this portion of the building pitch dark at mid-day?

(o) Is it a fact that this portion of the building is surrounded on almost all sides by various other departments which are themselves working in darkness and where the staff could not work without powerful electric lights and fans?

(p) Is it a fact that some years back the Postal Stock Depot was situated here?

(q) Is it a fact that at no time was any department with a large number of staff located in this portion of the building?

(r) Is it proposed to alter the structure of this portion of the building to suit the General Post Office Sorting Office?

(s) Is it a fact that the place being at the basement and surrounded by massive walls does not admit of any large alterations?

(t) Was any engineer consulted about the alterations and, if so, what is his opinion?

(u) Was the Director of Public Health consulted as to the suitability of the place for a public office consisting of about 200 officials? If not, why not?

(v) Will not the health of the staff and their eye-sight be seriously impaired if they are made to work with artificial light and air throughout the day?

(w) Is it the policy of the department to sacrifice the health of the staff at the cost of a small saving to the department?

(x) Has any representation been received by the Director-General of Posts and Telegraphs from the All-India Postal and Railway Mail Service Union protesting against the removal of the Madras General Post Office Sorting Office to the Madras General Post Office buildings and, if so, will the question of the removal of the Sorting Office be dropped? If not, why not?

**Sir Thomas Ryan:** Government have seen the article referred to in the question. Information is being collected and will be laid on the table of the House in due course.

#### ALLEGED CASE OF ASSAULT AGAINST THE DORSET REGIMENT AT DACCA.

316. **\*Pandit Satyendra Nath Sen:** (a) Has the attention of Government been drawn to the report of a case of assault which appeared in the *Amrita Bazar Patrika* of the 10th January, 1933, under the caption "Dorset Regiment at Dacca"?

(b) If so, what is the result?

**Mr. G. R. F. Tottenham:** (a) Yes.

(b) Inquiries are being made and the result will be communicated to the House in due course..

**EXPENDITURE INCURRED ON THE EDUCATION OF THE CHILDREN OF THE  
EAST INDIAN RAILWAY EMPLOYEES.**

**317. \*Pandit Satyendra Nath Sen:** (a) Will Government be pleased to state separately the amount of expenditure incurred by the East Indian Railway in 1931-32 on the education of the children of Indian employees and those of European and Anglo-Indian employees?

(b) Will Government be pleased to state the amounts spent by the East Indian Railway in 1931-32 on the Oakgrove European School and the East Indian Railway Indian High Schools separately stating the number of railway pupils under instruction in each case?

(c) Is it a fact that the East Indian Railway Oakgrove European School was excluded from the scope of enquiry of Mr. Smith, officer on special duty, while the Indian schools were included? If so, why was this discrimination made in this case?

(d) Is it a fact that the Oakgrove School was included within the terms of enquiry conducted by Mr. Jones, officer on special duty, in 1926-27?

(e) Is it a fact that according to Mr. Jones, the Oakgrove School and the Indian schools maintained and controlled by the East Indian Railway are in the same category?

(f) Is it a fact that Mr. Smith too has observed that the Oakgrove European School and the other East Indian Railway schools are on the same footing?

**Mr. P. R. Rau:** (a) Children of Indian Employees, Rs. 77,823; Children of European and Anglo-Indian Employees, Rs. 2,56,967.

(b) Oakgrove European School, Rs. 1,62,847—Number of Children 404; Indian High Schools, Rs. 42,929—Number of Children 1,065.

(c) to (f). The attention of the Honourable Member is invited to my replies to Mr. M. Maswood Ahmad's questions Nos. 292, 293 and 297 respectively, given on the 7th February, 1933.

**Pandit Satyendra Nath Sen:** I have seen the Honourable Member's reply of yesterday. It was "It was intended to deal with it separately." But why?

**Mr. P. R. Rau:** I replied to that also yesterday in reply to supplementary questions. The reason is probably that the institution caters for the needs of two different Railways.

### STATUS OF TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.

**318. \*Pandit Satyendra Nath Sen:** Was an enquiry into the status of teachers in the East Indian Railway schools within the terms of reference of Mr. Smith's enquiry? If so, under which clause does it come?

**Mr. P. R. Rau:** I would refer my Honourable friend to the reply given by me yesterday to part (a) of Mr. Maswood Ahmad's question No. 295.

### STATUS OF TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.

**319. \*Pandit Satyendra Nath Sen:** (a) Is it not a fact that on the 1st February, 1928, Sir (then Mr.) Alan Parsons, the then Financial Commissioner to the Railway Board, in answer to a question by Pandit H. N. Kunzru, said:

"The Oakgrove School is under the East Indian Railway Administration and its teachers and those of the Indian Schools maintained by the East Indian Railway Administration are Government servants"?

(b) Is it a fact that on the 25th February, 1928, Sir George Rainy, the then Commerce Member, Government of India, in course of the debate on the Railway Budget, referring to the schools maintained by the Great Indian Peninsula and East Indian Railways, said:

"Now the schools of two of the biggest Company Railways have come under the direct control of the State."?

(c) Is it a fact that on the 21st February, 1929, Sir George Rainy, the then Commerce Member, Government of India, in course of the debate on the Railway Budget, said:

"What we contemplate is that at any rate on the State-managed Railways, our line will be that so long as the schools will be under our control, it is reasonable that the teachers should receive pay on about the same level as they would receive if they were employed in a school run by the Local Government.

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As regards the higher English schools maintained by the East Indian Railway we have already issued specified orders to that effect."?

(d) Is it a fact that on the 12th September, 1929, Sir George Rainy, the then Commerce Member, Government of India, in reply to a question by Pandit H. N. Kunzru, said:

"The schools are the property of the East Indian Railway and the East Indian Railway belongs to the Government and I do not think that there can be any doubt that they are Government Schools in that sense"?

(e) Is it a fact that the Railway Board in their reply in June, 1928, to a reference by the Agent of the East Indian Railway said:

"In the opinion of the Railway Board teachers employed in the schools maintained by the Railway Administration for the education of Railway children are Railway employees even though the teachers may actually be employed by the Local Committees of the several schools."?

(f) Why did Government now consider an inquiry into the status of the Railway schools and the teachers employed therein necessary?

**Mr. P. R. Rau:** (a) to (e). I am glad to be able to congratulate my Honourable friend on the correctness of his quotations.

(f) I would refer my Honourable friend to the reply I gave yesterday to Mr. M. Maswood Ahmad's question No. 295.

**STATUS OF TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.**

**320. \*Pandit Satyendra Nath Sen:** (a) Was Mr. Smith specially authorised or instructed to review the previous decision of the Government of India and the Railway Board regarding the status of the Railway schools and the teachers thereof and to report whether they were right?

(b) Is it a fact that this part of the enquiry was kept a secret from the school committees and the teachers concerned by the special officer and the Railway Headquarters?

(c) Is it a fact that in the letters issued both by the East Indian Railway Head Office and the special officer to the schools the scope of the enquiry was given out as only estimating the cost of assistance to employees towards the education of their children under the new scheme of assistance? If not, will Government be pleased to lay copies of those communications on the table?

(d) Did Mr. Smith make any enquiry as to the status of teachers in the schools visited by him, either with the school committees or with the teachers?

(e) Will Government be pleased to state the grounds on which the Agent of the East Indian Railway in his letters to the Railway Board of 1927, referred to in p. 153 of Mr. Smith's report, drew a distinction between the Oakgrove European School and its teachers and the Indian schools and their teachers, saying that the teachers in the Oakgrove School were practically Government servants while the other schools were not Government schools proper and that their teachers were not railway employees?

**Mr. P. R. Rau:** (a), (b) and (c). I would refer my Honourable friend to the replies I gave yesterday to Mr. M. Maswood Ahmad's questions Nos. 295, 296 and 297.

(c) Government are not aware of this. The terms of reference to Mr. Smith are contained in his reports.

(d) The Honourable Member's attention is drawn to paragraph 86, page 158, of Mr. Smith's Report on the North Western, East Indian and Great Indian Peninsula Railways.

**CONTROL OF THE EAST INDIAN RAILWAY SCHOOLS.**

**321. \*Pandit Satyendra Nath Sen:** Will Government be pleased to state whether the Agents of the Railways and the Secretary to the Agent and Superintendent of the East Indian Railway Schools control the railway schools in their official capacity or in their personal capacity as Mr. so and so?

**Mr. P. R. Rau:** In their official capacity.

**RULES FOR THE MANAGEMENT OF THE EAST INDIAN RAILWAY SCHOOLS.**

**322. \*Pandit Satyendra Nath Sen:** (a) Is it a fact as stated by Mr. Smith that "the school committees derive their existence and their powers from the Agent"?

(b) Is it a fact that the rules framed by the Agent for the management of the East Indian Railway schools were framed in 1885 under the authority and with the approval of the Government of India, P. W. D.—Railway



Department, as conveyed in their letter No. 118-R. E. of February that year to the Agent?

(c) Is it a fact that ever since 1885, for about half a century, the Secretary to the Agent, East Indian Railway, has been Superintendent, East Indian Railway Schools?

(d) Is it a fact that according to the East Indian Railway Rules :

- (i) the Divisional Superintendent is the *ex-officio* President of all the railway schools in the Division;
- (ii) local school committees are constituted by him according to the railway rules, by successive co-option;
- (iii) the Superintendent, East Indian Railway Schools, has the right to order the dissolution of a local committee and to object to the appointment of a particular member;
- (iv) the resolutions of the local committee can not be acted on before they are approved by the Superintendent; and
- (v) if a school is closed down, all furniture and equipment will revert to the Railway Stores?

**Mr. P. R. Rau:** (a) This is Mr. Smith's opinion. His report has not yet been considered by Government.

(b) The latest rules for all East Indian Railway Schools were issued in 1925 and are printed on pages 208—210 of Appendices to Mr. Smith's Report on N. W., E. I. and G. I. P. Railways' educational facilities.

(c) Yes.

(d) (i) and (ii). Yes.

(iii) No. The Honourable Member is referred to Rules 4 and 8 mentioned above.

(iv) and (v). Yes.

#### APPOINTMENT OF TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.

**323. \*Pandit Satyendra Nath Sen:** (a) Is it a fact that though teachers in the East Indian Railway schools may actually be appointed by the local committees, the Agent is really the Principal?

(b) Is it a fact that teachers in the East Indian Railway schools are appointed on terms previously approved by the Superintendent, East Indian Railway Schools?

(c) Is it a fact that, according to the East Indian Railway rules, all decisions of local committees regarding salaries, leave and change of staff are subject to confirmation by the Superintendent, East Indian Railway Schools, and may be vetoed by him?

(d) Is it a fact that agreements with the teachers were devised by the Superintendent, East Indian Railway Schools, and enforced by him and not by the school committees?

**Mr. P. R. Rau:** (a) This is the opinion expressed by Mr. Smith in his report.

(b) The teachers of the East Indian Railway schools are appointed by the Local Committee on a written agreement subject to one month's notice on either side on terms previously approved by the Superintendent of Schools, who is the Secretary to the Agent.

(c) and (d). Yes.

**TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.**

**324. \*Pandit Satyendra Nath Sen:** (a) Is it a fact that the names of the teachers in the East Indian Railway Indian schools are shown in the East Indian Railway classified list of subordinate staff on Rs. 250 and above?

(b) Is it a fact that the salaries of teachers in the State Railway schools were brought up to the level of those prevailing in the Provincial Government schools under the orders of the Government of India acting through the Railway Board?

(c) Is it a fact that teachers in the East Indian Railway schools have, under the orders of the Agent, been subjected to the same salary cut of 10 per cent. as the other railway employees?

(d) Is it a fact that the teachers have a right of appeal to the Agent, and, if necessary, to the Railway Board?

**Mr. P. R. Rau:** (a) to (c). Yes.

(d) Teachers have a right of appeal to the Agent. If a subscriber to Provident Fund is dismissed with forfeiture of the bonus contribution to his Provident Fund, an appeal lies to the Railway Board.

**STATUS OF TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.**

**325. \*Pandit Satyendra Nath Sen:** Do Government propose to go against their previous declarations and withdraw the status of Government employees from the teachers now employed in the East Indian Railway schools?

**Mr. P. R. Rau:** I would refer my Honourable friend to the answer given by me yesterday to Mr. M. Maswood Ahmad's question No. 296.

**Pandit Satyendra Nath Sen:** May I know what difference it will make if these institutions are regarded as Government institutions and if they are not so regarded?

**Mr. P. R. Rau:** I am afraid, Sir, I am not in a position to give a categorical answer to this question, because the report of Mr. Smith is still under consideration and Government have not yet considered what will be the effect of the recommendations made by him.

**Pandit Satyendra Nath Sen:** When did Mr. Smith actually submit his report?

**Mr. P. R. Rau:** I believe it was recently. I do not remember the exact date.

**MR. SMITH'S REPORT ON THE EAST INDIAN RAILWAY SCHOOLS.**

**326. \*Pandit Satyendra Nath Sen:** (a) Have Government come to any decision on the proposals contained in Chapters XIV, XVI and XVII of Mr. Smith's report? If so, what are the decisions?

(b) If the report is still under consideration, do Government propose to lay their decisions before the Central Advisory Council for Railways and the Legislative Assembly before giving effect to them?

**Mr. P. R. Rau:** (a) No.

(b) The matter will certainly be placed before the Central Advisory Committee for Railways, but Government are unable at present to say whether it will be placed before the Legislative Assembly before any decisions are arrived at.

**Pandit Satyendra Nath Sen:** Is that Central Advisory Council for Railways still in existence?

**Mr. P. R. Rau:** Yes, Sir.

**Pandit Satyendra Nath Sen:** When was it last formed?

**Mr. P. R. Rau:** About this time last year.

**Pandit Satyendra Nath Sen:** Has it ever met?

**Mr. P. R. Rau:** Many times.

**Pandit Satyendra Nath Sen:** Has it met after it was last formed?

**Mr. P. R. Rau:** It has not met this year.

**Pandit Satyendra Nath Sen:** That is, since 1932. Then it has got rusty.

#### STATEMENTS LAID ON THE TABLE.

**Sir Thomas Ryan** (Director General of Posts and Telegraphs): Sir, I lay on the table the information promised in reply to supplementary questions to starred question No. 1449 asked by Mr. M. Maswood Ahmad on the 28th November, 1932, and to starred question No. 1375 asked by Seth Haji Abdoola Haroon on the 22nd November, 1932, and the information promised in reply to starred question No. 1598 asked by Mr. Jagan Nath Aggarwal on the 6th December, 1932.

#### COMMUNAL COMPOSITION OF THE APPROVED CANDIDATES FOR CLERICAL CADRE IN GENERAL POST OFFICES AND POSTAL CIRCLES.

\*1449. The figures for direct recruitment to the clerical cadre of the Calcutta General Post Office since 1928 have been verified and are noted below :

| — —             | Hindus. | Muslims. | Anglo-Indians. | Indian Christians. | Total. |
|-----------------|---------|----------|----------------|--------------------|--------|
| 1928 . . . . .  | 30      | 10       | 3              | ..                 | 43     |
| 1929 . . . . .  | 30      | 13       | 2              | 2                  | 47     |
| 1930 . . . . .  | 2       | 1        | ..             | ..                 | 3      |
| 1931 . . . . .  | ..      | ..       | ..             | ..                 | ..     |
| 1932 . . . . .  | ..      | ..       | ..             | ..                 | ..     |
| Total . . . . . | 62      | 24       | 5              | 2                  | 93     |

### NON-RECRUITMENT OF MUSLIM CLERKS IN THE CENTRAL TELEGRAPH OFFICE, NEW DELHI.

\*1375. The following is the result of my further enquiry :

(a) The two Muslim clerks were Messrs. Ikramuddin and Fakhru'l Husain. The former was not dismissed as stated by the Honourable Member but he resigned his appointment after about three months' service. The consequent vacancy was filled, not by direct recruitment but by the transfer of a Hindu clerk from the Lahore telegraph office, who had to be moved from there to make room for a dismissed clerk who was reinstated on appeal. Mr. Fakhru'l Husain had to be retrenched in October, 1932, and his post was abolished.

(b) Of the other six officials named by the Honourable Member, two, viz., Messrs. Madho Ram and Devi Parshad were not direct recruits but were promoted as clerks; Mr. Sohanlal, Time-keeper, did not belong to the clerical cadre but to the separate cadre of Time-keepers. The remaining three officials were appointed not in the New Delhi telegraph office but in the Simla telegraph office which is distinct and separate from the former office. My statement that six clerks only were recruited in the New Delhi telegraph office is therefore correct. Of these recruits two were Muslims (as stated in the answer to the question). The rest were three Hindus and one Sikh, all four were not Hindus as the Honourable Member has assumed.

### COMPETITION OF AMERICAN FRUITS WITH THE KULU VALLEY FRUITS.

\*1598. (a) Government are aware that the Indian fruit growing industry is meeting with increased competition in its home market from the United States of America, the value of imports of fruit from that country having increased appreciably during the years 1930-31 and 1931-32.

(b) Government have no information to the effect that the increasing competition of American fruit is due to the increase in postal charges.

(c) It is a fact that the only road from Kulu to Pathankot is *via* Mandi. The *passenger* lorry service along that route is run by monopolists, but any *goods* lorry may run on that route on payment of toll to the Mandi State.

(d) The reply to the first part is in the affirmative. As regards the latter part, Government have no information.

(e) No.

(f) Government do not propose to take special steps. As regards postal rates they do not see reason to distinguish between various commodities; as regards improvement in communications the matter is one for the Local Government to whom a copy of the question and of my reply have been sent.

**Mr. G. R. F. Tottenham (Army Secretary):** Sir, I lay on the table the information promised in reply to starred question No. 1597 asked by Sirdar Sohan Singh on the 6th December, 1932.

### HIGHER SALARIES DRAWN BY THE STAFF OF THE BARODA CANTONMENT.

\*1597. (a) I am informed that the salaries of the Ahmedabad Cantonment staff are higher than those of the staff employed in the Baroda office.

(b) Before the Cantonment Act of 1924 came into operation, the clerk of the Cantonment Court whose substantive pay was, I understand, Rs. 80 a month, received an allowance of that amount in addition, for part-time work in the Cantonment office. I do not know when these amounts were fixed. On the constitution of a Cantonment Authority in 1924, a full-time Head Clerk was employed on a time-scale of salary, the maximum of which is Rs. 150. The present maximum of the time-scale of pay of the Sanitary Supervisor is Rs. 10 more and the minimum Rs. 15 less than the pay of the appointment in 1924. There is no separate appointment of Tax Collector. The question of revising the salaries of the cantonment employees is at present being examined by the Cantonment Authority.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 1145 asked by Dr. Ziauddin Ahmad on the 14th November, 1932;
- (ii) the information promised in reply to starred question No. 1467 asked by Mr. K. Ahmed on the 28th November, 1932;
- (iii) the information promised in reply to starred question No. 1474 asked by Mr. K. Ahmed on the 28th November, 1932;
- (iv) the information promised in reply to unstarred question No. 79 asked by Mr. S. C. Mitra on the 27th September, 1932;
- (v) the information promised in reply to starred question No. 1014 asked by Mr. Lalchand Navalrai on the 28th September, 1932; and
- (vi) the information promised in reply to starred question No. 1459 asked by Mr. Muhammad Anwar-ul-Azim on the 28th November, 1932.

#### EXPENDITURE ON RAILWAY WORKSHOPS.

\*1145.

*Statement showing the Total Capital expenditure incurred on all workshops on all the State-owned Railways.*

| Year.             | Expenditure. |
|-------------------|--------------|
|                   | Rs.          |
| 1926-27 . . . . . | 2,14,45,000  |
| 1927-28 . . . . . | 1,32,88,000  |
| 1928-29 . . . . . | 2,55,85,000  |
| 1929-30 . . . . . | 95,53,000    |
| 1930-31 . . . . . | 64,66,000    |
| 1931-32 . . . . . | 53,80,000    |

*Capital expenditure year by year on workshops on all the State-owned Railways.*

(In thousands.)

| Railway.                   | 1926-27. | 1927-28. | 1928-29. | 1929-30. | 1930-31. | 1931-32. |
|----------------------------|----------|----------|----------|----------|----------|----------|
| N. W. Railway . . . . .    | 4,12     | 4,97     | 4,37     | 2,02     | 3,18     | 1,39     |
| E. B. Railway . . . . .    | 1,61     | 8,42     | 12,73    | 4,73     | 1,12     | 1,33     |
| Burma Railways . . . . .   | 3,38     | 1,10     | 4,54     | 4,73     | 1,09     | 1,48     |
| E. I. Railway . . . . .    | 1,08,15  | 26,41    | 1,71,46  | 17,57    | 16,85    | 9,15     |
| G. I. P. Railway . . . . . | 21,05    | 18,35    | 4,23     | 6,89     | 2,92     | 2,43     |
| Total (State) . . . . .    | 1,38,31  | 59,25    | 1,97,33  | 35,94    | 25,16    | 15,78    |

*Capital expenditure year by year on workshops on all the State-owned Railways—contd.*

(In thousands.)

| Railway.                     | 1926-27. | 1927-28. | 1928-29. | 1929-30. | 1930-31. | 1931-32. |
|------------------------------|----------|----------|----------|----------|----------|----------|
| R. & K. Railway . . .        | 1        | 4        | 33       | 3        | —2       | ..       |
| B. & N. W. Railway . . .     | 64       | 29       | 42       | 12       | 1,52     | 33       |
| S. I. Railway . . . .        | 39,19    | 33,71    | 27,41    | 7,49     | 8,87     | 2,75     |
| A. B. Railway . . . .        | 9,05     | 2,34     | 3,00     | 4,17     | 2,21     | 49       |
| B. N. Railway . . . .        | 6,86     | 1,68     | 7,08     | 6,72     | 82       | 65       |
| B., B. & C. I. Railway . . . | 8,52     | 10,68    | 9,16     | 10,63    | 3,23     | 2,17     |
| M. & S. M. Railway . . .     | 11,88    | 24,90    | 11,13    | 30,43    | 22,89    | 31,63    |
| Total (Company) . . .        | 76,15    | 73,64    | 58,53    | 59,59    | 39,52    | 38,02    |
| Grand Total . . . .          | 2,14,46  | 1,32,89  | 2,55,86  | 95,53    | 64,68    | 53,80    |

#### SENIORITY LIST OF THE SENIOR STAFF OF THE EAST INDIAN RAILWAY.

\*1467. Government are informed that for the purpose of regulating seniority the Chief Operating Superintendent and Chief Engineer of the East Indian Railway maintain separate lists, one list for the old East Indian Railway staff and one for the old Oudh and Rohilkhand Railway staff. The Chief Mechanical Engineer does not maintain such lists because the shops at Lucknow and Jamalpur are self-contained units and promotion is normally confined to the staff in the shop concerned. There is no reason to consider that this system of regulating promotion acts to the prejudice and detriment of senior and deserving hands.

#### REGULATIONS FOR RECRUITMENT OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

\*1474. A copy of the rules has been placed in the Library of the House.

#### EMPLOYMENT ON INDIAN RAILWAYS OF INDIANS TRAINED IN ENGLAND.

79. Government regret that information with regard to the examination held in 1926 is not available. The following replies relate to the examination held in 1927 :

(a) (i) Government are not aware of the number of candidates trained in the United Kingdom who applied to Local Governments for nomination for the examination in 1927 and how many were rejected, as only the names of those selected by the Local Selection Committees were communicated to the Public Service Commission.

(ii) to (v). One candidate, named Sisirendra Kisor Datta Ray, was selected by a Local Government, but as he has had less than two years' practical training in the United Kingdom, which was compulsory in the case of those candidates not possessing any of the educational qualifications prescribed for the examination, he was not allowed

to appear for the examination. His qualifications, as stated in his application, were as follows :

| Name.                       | Qualifications.  | Particulars of training.   | Examinations passed at the London School of Economics and Political Science.  |
|-----------------------------|--|--|---|
| Sisirendra Kisor Datta Ray. | Graduate of the Institute of Transport (London). Fellow of the Royal Economic Society. | Underwent a course of practical training in the Traffic Department of the London and North-Eastern Railway from May, 1924, to December, 1925. Also visited and went through the systems of the Great Western and London and Midland Railways. Was engaged by the British Tabulating Machine Co., Ltd., for sometime in their London Head Office. | Joined the London School of Economics and Political Science (London University) as an evening student in 1924 and took the full course on Transport, consisting of 11 different subjects and passed all the 11 examinations there in one session securing several first and second classes. |

(b) and (c). Statements showing the names and particulars available of the officers appointed on Company-managed railways are laid on the table.

*Statement showing the names of officers recruited to the Transportation (Traffic) and Commercial Departments of Company-managed Railways from 1st January, 1920, to 30th September, 1932.*

| Names.            | Railway.  | Academical qualifications or particulars of training before employment. | Remarks.        |
|-------------------|-----------|---|-----------------|
| Mr. M. A. Saqui . | A. B. . . | ....  | Not in service. |
| Mr. T. V. Woods . | ..        | ....  |                 |
| Mr. L. E. Hayman  | ..        | ....  |                 |
| Mr. O. Ormerod .  | ..        | ....  |                 |
| Mr. B. G. Roy .   | ..        | ....  |                 |
| Mr. A. N. Roy .   | ..        | ....  |                 |

*Statement showing the names of officers recruited to the Transportation (Traffic) and Commercial Departments of Company-managed Railways from 1st January, 1920, to 30th September, 1932—contd.*

| Names.               | Railway.   | Academical qualifications or particulars of training before employment.  | Remarks.                              |
|----------------------|------------|--|---------------------------------------|
| Mr. G. F. d'Adhemar  | B. & N. W. | Trained in Traffic working on B. & N. W. Railway.  |                                       |
| Mr. L. K. L. Pearson | "          | Trained on British Railways  | Left service in 1924.                 |
| Mr. C. S. Khan       | "          | Ditto.   |                                       |
| Mr. P. L. Sahgal     | "          | Ditto  | Left service in 1930.                 |
| Mr. W. A. Hewitt     | "          | Ditto.   |                                       |
| Mr. R. K. Polwhole   | "          | Ditto.   |                                       |
|                      | R. & K.    | Nil.   |                                       |
| Mr. A. C. Chatterjee | B. N.      | ....   |                                       |
| Mr. R. C. Curtis     | "          | B.A. (Cant.), LL.B., Captain in I. A. R. O. Was posted as Cantt. Magistrate at Allahabad. Had 3 years' active service in the War.  |                                       |
| Mr. J. Blackburn     | "          | Was in command of hill station, Kasauli, and also worked as Cantt. Magistrate, Punjab.   | Services terminated in 1923.          |
| Mr. J. W. Mitchell   | "          | Worked on North Eastern Railway for 8 years. Passed examinations in different Railway branches.  | Resigned.                             |
| Mr. R. A. P. Johns   | "          | ....   | Dead.                                 |
| Mr. B. K. De         | "          | Graduated with Honours in English. Studied in Trinity College, Cambridge, for Economic Tripos for 6 months and joined the London School of Economics for the degree of B. Com. Also studied for I. C. S. |                                       |
| Mr. W. J. Coode      | "          | Worked in Kashmir General Agency.  |                                       |
| Mr. R. A. L. Pears   | "          | Joined the Grange (Preparatory School), Crowborough. Joined Royal Naval College (Osborn). Went to Royal Naval College (Dartmouth), went to sea.  | Resigned.                             |
| Mr. B. N. Verma      | "          | Was a scholarship-holder in B.A. class. Underwent a training on the Great Central Railway, London.   | Transferred to Bikaner State Railway. |
| Mr. C. Faruque       | "          | B.A.   |                                       |
| Mr. A. S. Yusoof     | "          | F.A.   |                                       |
| Mr. G. L. Cockburn   | "          | ....   | Since resigned.                       |

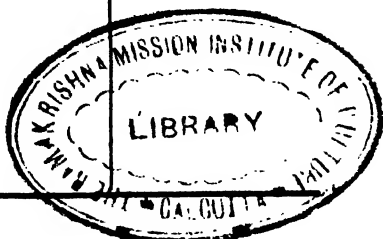


*Statement showing the names of officers recruited to the Transportation (Traffic) and Commercial Departments of Company-managed Railways from 1st January, 1920, to 30th September, 1932—contd.*

| Names.                 | Railway. | Academical qualifications or particulars of training before employment.  | Remarks.        |
|------------------------|----------|--|-----------------|
| Mr. M. A. Lawton       | B. N.    | Educated at Monkton Combe School and went to Clifton College for 5 years and had a training for a year on Great Western Railway. Passed the qualifying examination and obtained an efficiency in Railway Signalling and Accountancy.       |                 |
| Mr. C. E. M. Ridsdale. | "        | Educated at Cheltenham College. Passed out of Sandhurst for the Indian Army in which he served from 1921-23.   |                 |
| Mr. L. M. Mazumdar     | "        | B.A. (Hons.). Had a training in the various phases of Railway Transportation work. Became conversant with operating Passenger, goods and mineral work, both in door and outdoor work on London Midland and Scottish and Southern Railways. |                 |
| Mr. K. W. R. O'Reilly. | "        | Previous experience as A. T. S. on B. N. Railway for over 5 years.   |                 |
| Mr. S. R. Das          | "        | Underwent training on the Great Eastern Railway, London.   |                 |
| Mr. T. V. Croley       | "        | Underwent training on the Great Western Railway.   |                 |
| Mr. S. Sen             | "        | Received training in Commercial and Transportation Departments on London Midland and Scottish Railways for 1½ years.   |                 |
| Mr. G. F. Fitzgerald   | "        | ....   | Since resigned. |
| Mr. H. F. Simpson      | "        | Employed on British Railways for about 6 years.  |                 |
| Mr. W. K. Orton        | "        | ....   |                 |
| Mr. N. A. Shad         | "        | Passed through a course of training on the London Midland and Scottish Railways for 2 years.   |                 |
| Mr. R. H. Duncan       | "        | ....   |                 |
| Mr. B. C. Mallik       | "        | Studied up to degree examination in Science. Joined London School of Economics and passed the University examination in Control and Principal factors of Freight training and had about 3 years' training on Railways in England.          |                 |

*Statement showing the names of officers recruited to the Transportation (Traffic) and Commercial Departments of Company-managed Railways from 1st January, 1920, to 30th September, 1932—contd.*

| Names.                     | Railway.       | Academical qualifications or particulars of training before employment.   | Remarks.        |
|----------------------------|----------------|---|-----------------|
| Mr. K. T. Ahmad .          | B. N.          | Attended lectures for 3 years in the Intermediate College, Aligarh and had a year's training in the Southern Railway, England.  |                 |
| Mr. W. E. C. Greenham.     | "              | ....  | Since resigned. |
| Mr. J. W. Marshall         | "              | Held a degree of Bachelor of Engineering, Cambridge.  |                 |
| Mr. F. J. St. John Croley. | "              | Educated at Shrewsbury and Sandhurst.   |                 |
| Mr. A. K. Basu .           | "              | B.Sc. (Calcutta).   |                 |
| Mr. N. K. Ganguly          | "              | M.Sc. (Punjab).   |                 |
| Mr. I. S. Malik .          | "              | Spent 6 years in England and passed final examination of Mechanical Engineering course at the College of Technology and graduated for which he had the honour of the Associateship of the College conferred on him. |                 |
| Mr. K. M. Ishaq .          | "              | B.A. of Aligarh Muslim University.  |                 |
| Mr. R. R. M. Dunn          | "              | ....  |                 |
| Mr. R. Baylay .            | "              | ....  |                 |
| Mr. H. D. Khanna.          | "              | Educated at Government College, Lahore, and is under training as Traffic probationer.   |                 |
| Mr. R. M. Simmons          | B., B. & C. I. | ....  |                 |
| Mr. P. D. Mitton .         | "              | ....  |                 |
| Mr. E. Hudson .            | "              | ....  |                 |
| Mr. J. N. A. James         | "              | B.A. (Cantab.). Experience in working in Traffic offices at Albert and Lille.   |                 |
| Mr. A. J. Kerwick          | "              | ....  |                 |
| Mr. F. R. F. Wall          | "              | ....  |                 |
| Mr. E. C. Armitage         | "              | ....  |                 |
| Mr. N. Iredale .           | "              | ....  |                 |
| Mr. Kunwar Amar-singh.     | "              | ....  |                 |
| Mr. G. T. Simpson          | "              | ....  |                 |
| Mr. A. A. Brown .          | "              | ....  |                 |



*Statement showing the names of officers recruited to the Transportation (Traffic) and Commercial Departments of Company-managed Railways from 1st January, 1920, to 30th September, 1932—contd.*

| Names.                        | Railway.       | Academical qualifications or particulars of training before employment. | Remarks.  |
|-------------------------------|----------------|---|---|
| Mr. L. R. Mayall .            | B., B. & C. I. | ....  |   |
| Mr. G. P. Leeper .            | "              | ....  |   |
| Mr. A. Ramchandra Rao.        | M. & S. M.     | B.A., B.L. . . . .  | Trained as a traffic candidate in all branches of work of the Department. |
| Mr. M. S. Sivasankaram.       | "              | B.A. . . . .  | Ditto.  |
| Mr. B. C. Desikachari.        | "              | B.A., LL.B., B.Com. . .   | Ditto.  |
| Mr. N. Kamalakara Rao.        | "              | B.A., B.L. . . . .  | Ditto.  |
| Mr. H. E. Edwards             | "              | Recruited in United Kingdom. Had training on English Railways.          |   |
| Mr. A. L. E. Hooper           | "              | Recruited in United Kingdom   | Undergoing training.  |
| Mr. H. M. Gordon              | "              | Ditto.  | Ditto.  |
| Mr. D. B. Patel .             | "              | Had training on English Railways.                                       | Ditto.  |
| Mr. R. J. J. Perry.           | "              | Ditto.  |   |
| Mr. J. G. Fawcett             | "              | Ditto.  |   |
| Mr. K. L. Crawford            | "              | Had training on E. I. Railway.  |   |
| Mr. C. G. Reynolds            | "              | Ditto.  |   |
| Mr. Ramaswam Sarma.           | "              | B.A. (Hons.) . . . .  | Trained in India.   |
| Mr. S. R. Kalyanaraman.       | "              | B.A. (Hons.) . . . .  | Ditto.  |
| Mr. T. Stephenson             | "              | Was once an officer of this Railway. Resigned and reappointed.          |   |
| Mr. A. C. Read .              | "              | B.Sc. Had training on English Railways.                                 |   |
| Mr. B. T. Singh .             | "              | Ditto.  |   |
| Mr. E. Lee . . .              | "              | Had training on English Railways and on E. B. Railway.                  | Since left service.   |
| Mr. S. Ramachandra Rao.       | "              | B. A. . . . .   | Ditto.  |
| Mr. Aga Md. Ebrahim Ali Khan. | "              | ....  | Ditto.  |

*Statement showing the names of officers recruited to the Transportation (Traffic) and Commercial Departments of Company-managed Railways from 1st January, 1920, to 30th September, 1932—concl'd.*

| Names.                   | Railway.     | Academical qualifications or particulars of training before employment.   | Remarks.            |
|--------------------------|--------------|---|---------------------|
| Mr. M. Baliah .          | M. & S. M. . | ....  | Since left service. |
| Mr. D. C. Cathie .       | „ .          | ....  | Ditto.              |
| Mr. G. Charlton .        | „ .          | ....  | Ditto.              |
| Mr. T. L. Shield .       | S. I. .      | Studied in the School of Commerce for Railway Works, Dublin and had 4 years' experience in Irish Railways previous to his appointment on this Railway.  | Trained in India.   |
| Mr. H. J. Crane .        | „ .          | Was employed in Great Western Railway, Worcester and had 4 years' experience.   | Ditto.              |
| Mr. Sidney Smith .       | „ .          | Passed Oxford Senior Local Examination. Was probationer in the Metropolitan Railway, London, for about a year.  | Ditto.              |
| Mr. L. T. Hockley .      | „ .          | Was employed as paid probationer in the Great Eastern Railway, London.  | Ditto.              |
| Mr. C. M. Dodge .        | „ .          | Passed the Senior Cambridge Examination also the Examination of Institution of Mechanical Engineers for Associate Membership. Was employed in the London South Western Railway work at Eastleigh. |                     |
| Mr. T. Padmanabha Menon. | „ .          | Studied up to B.A. of the Madras University.  | Ditto.              |
| Mr. R. C. Bater .        | „ .          | Educated at the Magdalene College, Oxford. Entered service in the L. M. & S. Railway Co. and worked as Assistant Train Controller.  | Ditto.              |
| Mr. V. R. Rajagopalan.   | „ .          | B.A. (Madras). . . .  | Ditto.              |
| Mr. K. Basheer Ahmad.    | „ .          | B.A., B.L. . . .  | Ditto.              |
| Mr. N. Krishnamurthi.    | „ .          | M.A. (Madras) . . . .   | Ditto.              |

*Statement showing the names of officers promoted to the Transportation (Traffic) and Commercial Departments of Company-managed Railways from 1st January, 1920, to 30th September, 1932.*

| Names.                        | Railway.       | Academical qualifications or particulars of training before employment.         | Remarks. |
|-------------------------------|----------------|---|----------|
| Mr. V. L. Thompson            | A. B. .        | Promoted subordinate.   |          |
| Mr. C. J. B. Armour           | " .            | Ditto.  |          |
| Mr. S. C. Ghosh .             | " .            | Ditto.  |          |
| Mr. L. J. Harris .            | " .            | Ditto.  |          |
| Mr. J. P. Sinha .             | B. & N.-W.     | Promoted subordinate. Trained on State Railways in Rates works.                 |          |
| Mr. M. F. Hanafi .            | " .            | Promoted subordinate. Trained on British Railways. M.A. from Dublin University. |          |
| Nil.                          | R. & K.        | Nil.  |          |
| Mr. J. P. McNamara            | B. N.          | Promoted subordinate .  | Retired. |
| Mr. S. N. Bose .              | " .            | Ditto.  |          |
| Mr. J. Roy .                  | " .            | Ditto . . .   | Retired. |
| Mr. N. Laharry .              | " .            | Ditto.  |          |
| Mr. R. E. Robbins             | " .            | Ditto.  |          |
| Mr. N. S. Iyer .              | " .            | Ditto.  |          |
| Mr. B. W. Heanly              | " .            | Ditto.  |          |
| Mr. C. S. Moore .             | " .            | Ditto.  |          |
| Mr. S. C. Tapsell .           | " .            | Ditto.  |          |
| Mr. S. K. Basu .              | " .            | Ditto.  |          |
| Mr. P. O. Bingham             | " .            | Ditto.  |          |
| Mr. W. F. Scutt .             | " .            | Ditto . . .   | Retired. |
| Mr. W. R. S. Morley           | B., B. & C. I. | Ditto.  |          |
| Rai Sahib Manilal D.          | " .            | Ditto.  |          |
| Khan Sahib Cowasji R. Jagose. | " .            | Ditto.  |          |
| Rao Sahib G. Pandurang Rao.   | " .            | Ditto (B.A.).   |          |
| Mr. F. DeBrotton .            | " .            | Ditto.  |          |
| Mr. E. W. Stanley             | " .            | Ditto.  |          |
| Mr. V. Aquino .               | " .            | Ditto.  |          |
| Rai Sahib Girdharilal D.      | " .            | Ditto.  |          |
| Mr. Balkrishna G.             | " .            | Ditto.  |          |
| Mr. M. D. Sethna .            | " .            | Ditto (B.A., B.Sc.).  |          |
| Mr. Ram Nath Kaul             | " .            | Ditto.  |          |
| Mr. Dara Jehangir             | " .            | Ditto.  |          |
| Mr. R. A. B. Graveston.       | " .            | Ditto.  |          |
| Mr. O. Gomes .                | " .            | Ditto.  |          |
| Mr. Mirza Fazal Ahmad.        | " .            | Ditto (B.A.).   |          |

*Statement showing the names of officers promoted to the Transportation (Traffic) and Commercial Departments of Company-managed Railways from 1st January, 1920, to 30th September, 1932—concl'd.*

| Names.                          | Railway.       | Academical qualifications or particulars of training before employment.   | Remarks. |
|---------------------------------|----------------|---|----------|
| Mr. N. Tyabji .                 | B., B. & C. I. | Promoted subordinate.   |          |
| Mr. Vithalrao, P. .             | „ .            | Ditto (B.A.).   |          |
| Mr. B. N. Wahal .               | „ .            | Ditto (B.A.).   |          |
| Mr. Kunwar Ajit Singh.          | „ .            | Ditto.  |          |
| Mr. N. C. Hoon .                | „ .            | Ditto (B.A.).   |          |
| Mr. G. A. H. Martelli           | „ .            | Ditto.  |          |
| Mr. D. Wilson .                 | „ .            | Ditto.  |          |
| Mr. W. O. Browne                | M. & S. M.     | Ditto.  |          |
| Mr. N. Seshagiri Rao.           | S. I. .        | Ditto (B.A.).   |          |
| Mr. A. Vioyra .                 | „ .            | Ditto.  |          |
| Mr. A. H. Jones .               | „ .            | Ditto.  |          |
| Mr. O. S. Vankata-rama Iyer.    | „ .            | Ditto.  |          |
| Mr. V. Kanagasabapathy Iyer.    | „ .            | Ditto.  |          |
| Mr. F. G. Natesa Iyer.          | „ .            | Ditto.  |          |
| Rao Sahib R. G. Subramania Iyer | „ .            | Ditto.  |          |
| Mr. E. S. Ramaswamy Iyer.       | „ .            | Ditto.  |          |
| Mr. T. W. Parker .              | „ .            | Ditto.  |          |
| Mr. A. R. Lambie .              | „ .            | Ditto.  |          |
| Mr. N. V. Vaithinatha Iyer.     | „ .            | Ditto (B.A., B.L.).   |          |
| Mr. A. V. Natesa Iyer.          | „ .            | Ditto.  |          |
| Mr. P. M. Vanspall              | „ .            | Ditto.  |          |
| Mr. E. P. DeMonte               | „ .            | Ditto.  |          |
| Mr. H. L. Biswas .              | „ .            | M.A., B.L., B.Com. (Lond.), Bar-at-Law. Has had practical training in Great Western Railway, England, Railway Clearing House, England, etc. |          |

## CONFIRMATION OF ASSISTANT CONTROLLERS ON THE NORTH WESTERN RAILWAY.

\*1014. (a) The matter is within the competence of the Agent who reports that the case has received detailed consideration.

(b) Yes.

(c) All Controllers are imported from other classes. Five men who had formerly worked as Assistant Controllers and who were erroneously omitted from consideration when the confirmations were first made have now been confirmed.

(d) and (e). Length of service was one of the factors considered. It was also necessary that an individual should be able to earn a recommendation of fitness for permanent promotion to this post. A list giving the names of the 14 men not confirmed and 5 men now confirmed in order of length of service is attached.

(f) Five.

(g) The Agent reports that the case of each individual who has not secured confirmation has been very carefully considered and that further examination would serve no useful purpose.

*List of men confirmed and not confirmed according to length of service.*

| Names.                               | Dates of appointment. | Remarks.   |
|--------------------------------------|-----------------------|------------|
| 1. Mr. Waryam Singh . . . .          | 12th May 1902.        |            |
| 2. Mr. Fazal Karim . . . .           | 6th Dec. 1908 .       | Confirmed. |
| 3. Mr. Lilloram V. . . . .           | 11th Dec. 1911.       |            |
| 4. Mr. Lokoo Mall . . . . .          | 2nd May 1912.         |            |
| 5. Mr. Sahibrai J. . . . .           | 7th July 1913.        |            |
| 6. Mr. D. Bejou . . . . .            | 21st Oct. 1913.       |            |
| 7. Mr. Kabir Ali . . . . .           | 20th Nov. 1916 .      | Confirmed. |
| 8. Mr. Paman Dass T. . . . .         | 22nd Oct. 1917 .      | Do.        |
| 9. Mr. E. A. Buston . . . . .        | 27th Aug. 1919 .      | Do.        |
| 10. Mr. G. J. Ross . . . . .         | 26th Jan. 1920.       |            |
| 11. Mr. R. J. Birkett . . . . .      | 14th April 1920.      |            |
| 12. Mr. G. M. Tappin . . . . .       | 25th April 1922 .     | Confirmed. |
| 13. Mr. David Sen . . . . .          | 7th Sep. 1925.        |            |
| 14. Mr. Narain Singh . . . . .       | 3rd April 1926.       |            |
| 15. Mr. Gian Singh . . . . .         | 6th April 1926.       |            |
| 16. Mr. O. E. Ryan . . . . .         | 30th July 1926.       |            |
| 17. Mr. Sardari Lal Bhandari . . . . | 13th Aug. 1926.       |            |
| 18. Mr. J. A. Michael . . . . .      | 6th Feb. 1927.        |            |
| 19. Mr. C. W. Cooper . . . . .       | 16th Sep. 1927.       |            |

## PAY OF ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

\*1459 (a) No; this is not the case. The maximum pay of Assistant Station Master varies according to the importance of a station; the highest maximum for the most important station being Rs. 290.

(b) There have been no promotions for the last 8 or 10 years from the rank of Assistant Station Master scale 'C' to that of Station Master scale 'B' because there have been no vacancies.

(c) A few selected Assistant Station Masters grade 'C' are in a panel to relieve Assistant Station Masters Class 'F', but there have been no cases of permanent promotion.

## STATEMENT OF BUSINESS.

**The Honourable Sir Brojendra Mitter** (Leader of the House): With your permission, Mr. Deputy President, I rise to make the usual statement regarding the course of Government business next week. The legislative programme has fallen somewhat into arrears, and we propose to devote as much time as possible to this class of business, next week. Three days are allotted for Government business, Monday, Tuesday and Thursday. On Thursday forenoon, the Railway Budget will be introduced; apart from this, the remainder of the time available will be devoted to legislative business. We propose to proceed with the motions on Bills which have already been put down. In addition, the Honourable the Finance Member will move for reference to Select Committee of his two Income-tax Bills, one relating to foreign income and the other to various matters of administrative procedure. The Honourable the Commerce Member will also introduce a Bill to extend the operation of the Wheat (Import Duty) Act, 1931, for another year.

## THE INDIAN "KHADDAR" (NAME PROTECTION) BILL.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadan): Sir, I beg to move:

"That the Bill to provide for the protection of the names 'Khaddar' and 'Khadi', used as trade descriptions of cloth spun and woven by hand in India, be taken into consideration."

In making this motion, I submit that it is a very short and simple Bill which only seeks to give legal protection to the names "khaddar" and "khadi" which have come to signify cloth spun and woven by hand in India. There are many mills, whether in India or outside, which produce a sort of cloth in their mills, and which they designate as "khaddar" and "khadi". That infringes upon the names which have come to be associated only with hand woven and hand spun cloth. It is, therefore, my proposal to restrict the name "khaddar" or "khadi" to the particular sort of cloth we find in India. The definition of "trade description", as given in section 2 of the Merchandise Marks Act, is as follows:

" 'trade description' means any description, statement or other indication, direct or indirect,—

- (a) as to the number, quantity, measure, gauge or weight of any goods, or
- (b) as to the place or country in which, or the time at which, any goods were made or produced, or
- (c) as to the mode of manufacturing or producing any goods, or



[Mr. Gaya Prasad Singh.]

(d) as to the material of which any goods are composed, or

(e) as to any goods being the subject of an existing patent, privilege or copyright;

and the use of any numeral, word or mark which, according to the custom of the trade, is commonly taken to be an indication of any of the above matters, shall be deemed to be a trade description within the meaning of this Act."

Now, Sir, my proposal is that this expression "khaddar" or "khadi" should be included as "trade description" within the definition which I have just read out; and an application of such trade description to mill products be punishable under section 6 of the Merchandise Marks Act, which says:

"If a person applies a false trade description to goods, he shall, subject to the provisions of this Act, and unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees, and in case of a second or subsequent conviction with imprisonment which may extend to one year, or with fine, or with both."

Sir, I hope there is nothing controversial in this measure. It only wants to protect a hand-woven industry of this country against spurious imitations, and which, as a result of the impetus, given to it by the nationalist movement in recent times, is on the increase. It will also give relief to unemployment. I understand that Government have given notice of their intention to move an amendment for the circulation of this Bill. Personally I do not think that circulation of a non-contentious measure like this would be necessary, but I am advised by some of my friends that, in order to save the time of this House and to allow it to proceed to other business which is down on the agenda, I should not oppose the circulation of this Bill. I, therefore, would be willing to agree to the circulation of this Bill if the House agrees to such course of action. Sir, I move.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill to provide for the protection of the names 'Khaddar' and 'Khadi', used as trade descriptions of cloth spun and woven by hand in India, be taken into consideration."

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1933."

The Honourable the Mover need not think that in making this motion Government necessarily intend to oppose the Bill. But Government have come to the conclusion that they cannot decide on their course of action until they have much fuller information than they have at present on one or two very important points. The first point of importance is whether, as a matter of fact, trade custom does confine the use of the terms "khaddar" and "khadi" to cotton textiles woven by hand from yarn spun by hand. My Honourable friend has stated in his Statement of Objects and Reasons that "khaddar" and "khadi" have come to denote hand-spun and hand-woven cloth only. What we want to be sure is that trade custom does actually confine those terms to the particular class of commodity to which he has referred. If it does not, we would have to consider very carefully whether by legislation we should interfere with any established trade custom. Then, another point of some importance is for us to be satisfied, if this legislation is passed, that administratively it will

be possible to give effect to it in the internal markets in India. We wish to know whether it will be possible to administer it successfully without the fear of fraud or corruption to any extent. That is the information which we shall have to get. But I want to assure the Honourable Member that he must not understand me as necessarily opposing this Bill. I am very glad that he has consented to accept this motion for circulation. Sir, I move.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1933."

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): Sir, I support the motion for circulation as moved by the Honourable the Commerce Member, though I would have been glad also to support any motion for referring it to a Select Committee, because I think the House should be in a position to commit itself to the general principle of the Bill and that no attempt should be made by the trades people to take advantage of the name or description of "khaddar" by any spurious means; and I am glad that Government have not taken any definite attitude yet and if they find it possible on administrative grounds to accept the Bill like this, I hope there will be no objection from the Government side. Sir, I support the principle of the Bill as well as the motion for circulation.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, I wish the Honourable the Commerce Member had not proposed the circulation of this Bill, but straightaway taken it to the Select Committee and expeditiously removed those difficulties, administrative or customs or otherwise, and enabled this Assembly to pass this measure into law.

It will be recalled that an identical Bill was in the name of our late lamented leader, Pandit Motilal Nehru. This is not a new Bill; this is really an old Bill which has been before the public for so long a time. However, it is a matter for great satisfaction that the Honourable the Commerce Member shares the enthusiasm and does not deny the sympathy that the Government ought to have for a Bill of this kind. In this country, as everybody knows, more than half the population, the agricultural population, are unemployed for half the year; and unless and until the cottage industries are developed, for India lives in the cottages and in the villages, until and unless this "khaddar" industry develops, I cannot see how we can attack the problem of unemployment. Government ought to be more sympathetic in this matter and attack all spurious competitors who use the name of "khaddar". Who does not know that Japanese "khaddar" flooded the market and cheated people, who were enthusiastic about the indigenous industry being developed, into buying that mill "khaddar"? I think the competition, especially at a time when the "khadi" and "khaddar" industry was beginning to flourish, was so great that after serious consideration in the old Swaraj Party, of which you, Sir, were the Whip and, later on, the Secretary—and you are fully aware of the serious consideration we gave to this matter,—it was decided to bring forward a Bill. We are, I believe, within sight of passing this measure; and, having waited so long, we do not mind waiting a little more, especially as the Honourable the Commerce Member has not denied the

[Mr. C. S. Ranga Iyer.]

sympathy of the Government for this measure. With these few observations, I commend the acceptance of the motion before the House for circulation.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I am always for eliciting public opinion. In this case, it is wise on the part of the Government to have agreed to this and put in an amendment for the purpose. It is very necessary that the country should give their own opinion on matters as important as this. We know that "khadi" has come to stay in India, and it is very necessary that the Legislature should give all support to an attempt which tends to give protection to "khadi". What is intended by this Bill, as it has been presented, is to define what "khadi" is; and it is very necessary that we should have a clear definition. The proposed one, *viz.*,—cloth spun and woven by hand—is adequate. Clause 3 requires that there should be protection for "khadi", woven and spun in India, against fabrication of trade marks, by fixing the trade description of the cloth. Therefore it is very necessary that a Bill like this should be passed as early as possible. But as Government have thought it fit to get public opinion—and I think very rightly—I hope that opinions will be elicited without much delay and the measure passed into law. Sir, I support the amendment.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, after the sympathetic speech which we heard this morning from the Honourable the Commerce Member, there are very few of us here on this side to oppose the circulation motion. "Khadi" and "khaddar" have now come to stay and remain in India. There cannot be two opinions about that now. But we always wait for such considerations from the Government Members to express their sympathy. The only fear that we have, when a motion for circulation comes, is that the matter may be put off for a long time. We hope that so far as this Bill is concerned, Government will take care really that this matter is passed; and the sympathetic attitude is adopted by the Government . . .

**The Honourable Sir Joseph Bore:** May I point out to the Honourable Member that my motion is for eliciting opinion by the 31st July, 1933?

**Mr. Muhammad Azhar Ali:** Quite so: I quite see the point that it is in July; then, we will have an opportunity to discuss the Bill at Simla. Sir, I support the motion.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Does the Honourable the Mover wish to say anything?

**Mr. Gaya Prasad Singh:** No, Sir.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The original question was:

"That the Bill to provide for the protection of the names 'Khaddar' and 'Khadi', used as trade descriptions of cloth spun and woven by hand in India, be taken into consideration."

Since which an amendment has been moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1933."

The question I have now to put is that that amendment be made.

The motion was adopted.

## THE INDIAN LIMITATION (AMENDMENT) BILL.

**Sardar Sant Singh** (West Punjab: Sikh): Sir, I beg to move:

"That the Bill further to amend the Indian Limitation Act, 1908, be referred to a Select Committee consisting of the Honourable Sir Brojendra Mitter, Mr. D. G. Mitchell, Dr. F. X. DeSouza, Mr. Jamal Muhammad Saib, Sir Cowasji Jehangir, Mr. N. N. Anklesaria, Mr. Rahimtoola M. Chinoy, Mr. K. C. Neogy, Sir Abdur Rahim, Mr. G. Morgan, Sir Hari Singh Gour and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, in moving the amendment of the Indian Limitation Act, my object is to help both the debtor as well as the creditor in seeking their remedy for enforcing their contract in Courts. Honourable Members are aware that in these days of depression, it is very hard, both for the creditor as well as for the debtor, to seek a remedy in Court at an earlier stage. The present period of limitation for money suits is three years throughout India. In the Punjab, there was a special Limitation Act passed in which the period of limitation for such suits was extended to six years, but it is now several years since that Act was repealed. Now, we find that the creditors have no money to pay the enhanced rates in Court-fees, and they have to ask the debtors to give acknowledgments, with the result that the debtors have to pay compound interest on their debts. If the period of limitation is extended to six years, the debtors will be relieved considerably of the payment of compound interest, and, possibly, owing to a change of circumstances in the country, they will have to pay a lesser amount than they are liable to pay at the present time. It should be remembered that recently the rupee has appreciated considerably and the debts have, on account of the appreciation of the rupee, in some cases become doubled. In these circumstances, I think it is but fair to the debtors that the period of limitation should be extended, because the value of the rupee, when it depreciates, will help the debtor considerably. Therefore, Sir, I propose that the period prescribed in the provisions of Articles 52, 53, 54, 57, 58, 59, 60, 61, 62, 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 and 85 should be extended from three years to six years. All these articles relate to money suits in various forms. Therefore, I will beg the indulgence of the House to consider this Bill on its merits for the benefit of the debtor. Sir, I move.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Limitation Act, 1908, be referred to a Select Committee consisting of the Honourable Sir Brojendra Mitter, Mr. D. G. Mitchell, Dr. F. X. DeSouza, Mr. Jamal Muhammad Saib, Sir Cowasji Jehangir, Mr. N. N. Anklesaria, Mr. Rahimtoola M. Chinoy, Mr. K. C. Neogy, Sir Abdur Rahim, Mr. G. Morgan, Sir Hari Singh Gour and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I welcome this Bill. In these days of depression and want of money, it is certainly a nuisance that one has to borrow, and, within the expiry of three years, the creditor begins to worry the debtor for the money. Seasons are getting more and more unfavourable year after year, and there is considerable difficulty to meet even the Govern-

[Raja Bahadur G. Krishnamachariar.]

ment demand, let alone the expenses to keep up one's establishment on the land and keep them in a fit and efficient manner so as to get something at least for the next year, the mere sight of the money-lender from whom you have to borrow, whether you like it or no, is simply horrifying. His excuse is: "I cannot help it; the period of limitation runs against me; I must put you in Court or you must pay." Well, the compromise that we have to arrive at is, as my friend, Sardar Sant Singh, has just pointed out, that we have got either to pay compound interest and renew the promote or enhance the original rate of interest which itself is ruinous in all conscience, and, then, what is called a hand note, agreeing to pay this enhanced interest, has to be executed, whereas if the period is extended to six years, and if the creditor is really bent upon recovering his money and not harassing the debtor, he can get it very easily. I think, Sir, this measure will be a great relief to agriculturists, because it is they who have to borrow year in and year out. Therefore, I support this motion.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division: Non-Muhammadan Rural): Sir, I am not a lawyer, but, as a Talukdar in a large way, my family has been very greatly interested in money lending transactions with our tenants and others for generations together, and I must congratulate my Honourable friend, Sardar Sant Singh, for bringing forward this Bill, as, I believe, it will relieve me personally from many embarrassments due to the present economic depression. Sir, I am told by my lawyer friends that Statutes of Limitation are Statutes of repose, peace and justice. But my own personal experience of the transactions mentioned in the various articles of the Limitation Act is that these Statutes work more as Statutes of discord and litigation.

Sir, as you know, respectable people dislike litigation for enforcing their rights and claims, however just these may be, but generally they are compelled to file a suit so that their claim is not barred by limitation. If the period of limitation is enhanced, as is contemplated by this Bill, litigation and breaking up of long standing relations between the creditor and the debtor may, to a great extent, be avoided. In short, Sir, my experience is that shortness of the period of limitation tends to make a dishonest debtor more dishonest, and an impatient creditor more impatient. Sir, I believe in the goodness of human nature, and I believe that, if sufficient time is allowed to a debtor, he is more likely to be honest in clearing up his liabilities. In the same way, a longer period of limitation enables a creditor to wait for a longer period and afford greater convenience and facility to the debtor for paying off his debt. Sir, according to our Indian customs and business morality, we do not pay much regard to the period of limitation and the consequent result has been that in India the creditor has always been more indulgent and the debtor more honest than those in countries where specific periods of limitation are prescribed. I also understand from my lawyer friends that the period of limitation in England, in connection with many of the transactions treated under the Articles mentioned in my Honourable friend Sardar Sant Singh's Bill is six years instead of three years as set forth in the Indian enactment. For all these reasons, Sir, I welcome this Bill, and I support the motion of my Honourable friend, Sardar Sant Singh, especially because clause 3 of the Bill will remedy all possible inconveniences and hardships which we experience at present.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): I have great pleasure in supporting this Bill. It has not come too soon, and it is a very useful measure in these days of economic depression. Even the creditors need not oppose this Bill; those money-lenders—who are the bane of this country to some extent—need not also oppose this Bill, because they are equally affected in these days of economic depression. If only three years' time be given, necessarily they will have to file their suits within the period of limitation, or else they will lose their money, and this Bill enables them to wait for six years. There are many cases in which creditors are not able to realise their money, because they do not possess sufficient money with which to file suits, and they have compromised with the debtors and got half the amount or three-quarters. By giving a longer period the Bill is helpful to them to get back their full money. As regards the debtors, the Bill is also helpful to them, because, if a suit is filed within three years, the creditor or the plaintiff will have to execute his decree, and, at the time of filing the execution petition, he has to calculate interest up to that date and execute for the whole amount. If that amount is not realised, then, in the second execution, he will have to calculate interest on the aggregate amount, and, thus, for each execution petition, the amount will increase and the debtor will have to pay compound interest. If this period be extended, it will alleviate the debtor to some extent. I was just referring to the Schedule of the Limitation Act to find why my learned friend, a lawyer Member from Lyallpur, has not included article 84 in this Schedule. I find, to my surprise, that article 84 refers to a suit "by an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid". So, he has made himself secure that he could file a suit for realising costs from his clients within a period of three years. I cannot say that it has been deliberately omitted by him, but I wish that he had included it in this Bill. As it is not included, I will move an amendment to include that article also in this Bill. I am also a lawyer, but yet I am more altruistic than my learned friend who has introduced this Bill, and I am prepared to include that article also. With these words, I support the Bill.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadian Rural): I have much pleasure in supporting this motion for reference to a Select Committee. It seems to me that the Honourable Member has been wise in bringing forward this Bill, because he wants to move with the times. It cannot be denied that these are days of depression when it is necessary that the debtors should have some relief and should not be harassed especially when they have not got sufficient to eat. It is very necessary that a Bill of this kind should be considered favourably. It is claimed by the Honourable the Mover that this Bill will bring good both to the debtor as well as to the creditor. I find, however, that there is some printing mistake in the Statement of Objects and Reasons. It is said therein:

"The unprecedented economic depression in the country has materially affected the economic condition of *half* the debtor as well as the creditor."

The word "half" is a mistake; it should be "both".

I do think that this Bill will do good both to the debtor and the creditor. There are numerous articles of the Limitation Act that have been referred to, in respect of which the period of limitation is sought to be extended. We know that suits for recovery of a debt, or suits on promissory notes,

[Mr. Lalchand Navalrai.]

or suits for the recovery of price of goods sold become time-barred if they are not filed within three years. The present attempt to amend the Limitation Act is only in respect of such suits. It should not frighten any Honourable Member, because many articles are sought to be included in this amending Bill. Surprise was, however, expressed in some quarters when my Honourable friend was mentioning the huge number of articles. I will not take the House through all the articles, but I will take one or two to show that they are of a like nature. The time limit in Article 52 is asked to be extended. That article deals with suits "for the price of goods sold and delivered, where no fixed period of credit is agreed upon", and the period given for it is three years from the date of delivery of the goods. Article 57 deals with suits "for money payable for money lent". Article 59 deals with suits "for money lent under an agreement that it shall be payable on demand", Article 61 deals with suits "for money payable to the plaintiff for money paid for the defendant". So, it is clear, that what is sought to be done, is to extend the period of limitation with regard only to such suits in which money transactions are involved. Money, nowadays, as everybody knows, is very rare in the market, and people are very much affected on that account and it is necessary that debtors should be given some relief. It will not only give the honest debtor some breathing time to pay but he will have sufficient time to adjust his own conditions as well as to be honest in paying off his debt.

At present the creditor is required to go to Court within three years, and, therefore, whether the debtor is able to pay or not, he has no other alternative but to sue him within time. This means harassment of the debtor with a view to extracting money out of him. The creditor cannot be blamed for it. But if he knows that he has more time, he will be more reasonable and he may wait for a longer period. Therefore, it is necessary, that in these days the period of limitation should be extended. It will spare just this moment both parties from incurring litigation expenses. It will be advantageous to the creditor, in these days of depression, if he will not have to go to Court to save the limitation and thus he will save himself the litigation expenses which otherwise will have to be incurred in going to Court. The law has already provided some way out. Section 19 of the Limitation Act provides that within the period of limitation, that is to say, the three years, if the debtor acknowledges the debt of the creditor, a fresh period of limitation will begin from the date of the acknowledgment. This is a contrivance by which an adjustment is nowadays being made between creditors and debtors, but there is one difficulty in this for the debtor. If he approaches the creditor for time, surely the latter will say: "Well, I will give you time, but on certain advantageous terms only". These terms usually are that he has to add the interest, payable up to the time of the acknowledgment, to the capital and, then, for three years more, the interest will run not only on the original capital debt, but on the capital plus the former interest included in the capital. This is certainly detrimental to the debtor. What is aimed at in this Bill is to ask for a straight dealing, that is to say, the Legislature is asked to extend the time to six years and save the debtor from the payment of the compound interest. My friend, Mr. Reddi, raised a question as to the costs of the pleaders or the advocates and interjected as to why no similar provision for extension of time for payment of such a debt is asked for. I do not think, there arises any relation of a creditor or a debtor in such cases.

Many a time the creditors play the part of Shylocks. In the case of pleaders, they are reasonable to give indulgence for easy payments and do not harass their clients. Therefore, I do not think that that article relating to lawyer's charges need be included. With these remarks, I support the motion for the Select Committee.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): I should be failing in my duty if I did not inform the House as to what would be the implication of the enactment of this Bill. My Honourable friend, Sardar Sant Singh, is naturally anxious that the debtors should be assisted in those days of depression and, if I had some little hope that the debtor in this case would be benefited by the enactment of this measure, no one would have more heartily welcomed this Bill than I; but when I feel that the enactment of this measure would be a cruel kindness to the debtor and, instead of benefiting him, would benefit the creditor, I hope my friend will forgive me if I interject a few observations on his well intentioned Bill. I can well understand that the present depression is to be tided over to the advantage of the debtor. A Bill that would create a moratorium for a period of three years would have been a very good Bill, but this Bill does not create a moratorium, that is the suspension of all rights as between creditor and debtor. What we are trying to do is to saddle upon the unfortunate debtor a heavier debt than he would be liable to pay under the present law. What is more, the creditor will be entitled to recover from the debtor a heavier rate of interest due to the enlargement of the period of limitation from three to six years.

Now, let me illustrate what I mean. Under the law, as it exists on the Statute-book, and, so far as I am aware, it has existed on the Indian Statute-book for nearly half a century, the creditor's remedy for an unsecured and unregistered debt becomes barred, unless he institutes a suit within three years. Now, let us assume that in these petty transactions unsecured and unregistered debts are mostly petty debts carrying a high rate of interest. Now, a creditor, if he does not institute his suit within three years, he stands to lose his principal as well as his interest. Therefore, he has to immediately launch his suit in Court and, as soon as he has got a decree, the Court awards a smaller rate of interest which is usually six per cent., half of the contractual rate. The result, therefore, is that some relief comes to the debtor immediately after the passing of the decree, and it is competent to the Court for a sufficient cause to decree the payment of a debt in suitable instalments. That is provided for in the Code of Civil Procedure. Now, if the Bill becomes law, he might well wait for six years. The rate of interest might be one per cent., two or three or four or five per cent. per month, and Honourable Members on the opposite side have given cases on previous occasions of interests at exorbitant rates. Now, if the creditor is given the larger period of limitation of six years, even then he will say that he is getting the contractual rate of interest of one, two, three, four or five per cent. whereas, if he was to immediately launch the suit in Court, his rate of interest will perhaps come down to six per cent. per annum, and the Court has the discretion of passing the decree, without any interest, so that the creditor cannot get any interest at all. Now, therefore, the debtor stands to benefit by the creditor bringing his claim into Court within three years rather than within six years. I, therefore, think that the remedy provided by the Sardar Sahib for the benefit of the debtor is worse than the disease from which the debtor is suffering at the present moment.



[Sir Hari Singh Gour.]

Now, I have another observation to make in this connection. The depression which is visiting this country and the world at large is, let us hope, of a temporary duration. We shall all cease to exist if this depression became a normal state of our life and we can only hope that the depression is a passing phase of our economic life which will pass away, I hope, within a few years, whereas, if this Bill becomes law, it changes the law for all time. It is not limited to the period of depression, whether it be three or four or five years, but it will radically change the law, depression or no depression.

Now, the third thing that I wish to bring to the notice of Honourable  
12 NOON. Members is this: At the present moment, it is open to the debtor to stipulate for a longer period. The debtor can go to the creditor and say: "I wish to borrow money and I do not want the period of three years' limitation to apply to my case", and the option is with him. I, therefore, want that the bond, or whatever may be the contractual obligation, is registered and, under the present law of limitation, all debts secured by a registered deed are *ipso facto* recoverable within six years instead of three years, so that the debtor is not without his remedy in providing against depression by stipulating for a longer period of time. But, if you were to compel the debtor to pay the money within six years, you are compelling the debtor to pay a much larger sum.

**Mr. Lalchand Navalrai:** He is not debarred from paying at any time. He may save himself that larger interest.

**Sir Hari Singh Gour:** My Honourable friend has not really grasped the point I am making. Let him reflect upon what I am saying and he will immediately see that, instead of benefiting the debtor, the Bill would have the direct effect and the resultant effect of benefiting the creditor. Let him focus his mind upon the point as to what extent it will benefit the debtor and think of any conceivable circumstances under which it will have that effect and then he will immediately see that this Bill will result not in benefiting the debtor, but in benefiting the creditor, since his right to sue remains and the option is his in any case to sue his debtor within three years, which the Bill seeks to extend to six years. Sir, I am in entire sympathy with the underlying principle that the Sardar Sahib has in sponsoring this Bill. If he could devise some plan for creating a moratorium in this country for the payment of debts for a reasonable time, I am quite sure a very large section of the Members occupying these Benches would support such a plan, but I should be failing in my duty, as I have said, if I do not warn the House that, in the guise of helping the debtor, we should be directly helping the creditor and making the position of the debtor more pitiable if we placed this Bill upon the Statute-book.

**The Honourable Sir Brojendra Mitter (Law Member):** Sir, when I read the Statement of Objects and Reasons, I felt complete sympathy with the object, but remained unconvinced by the reasons. The object is to give relief to poor debtors. The Government are in full sympathy with that object. But my submission is, that the Bill, instead of achieving that object, will have exactly the opposite result. I shall presently show how that is so. It has been assumed in the course of the debate that, by extending the period of limitation, you compel the creditor to hold his

hands. You do nothing of the kind. Whether the limitation be three years or six years, the creditor can go to Court the moment his cause of action arises. The creditor will choose his time for his suit. If he feels that the debtor's position is getting worse and worse, he will rush to Court at the earliest possible moment. If he feels that by waiting he will be better able to recover his money, he will wait. The creditor in ordinary circumstances will guide his conduct according to his own interest. Will the extension of the period of limitation help the creditor or help the debtor? So far as the debtor is concerned, instead of the sword hanging over his head for three years, after which the remedy will be barred, the sword will be hanging over his head for six years. He can get relief if the creditor shows mercy to him; not otherwise. By extending the period, you do not help the debtor in any way, because the creditor can go to Court at any moment.

Let us see what are the sections which are sought to be amended. I have divided these various sections into four categories. Sections 52—54 deal with the price of goods sold and delivered. Sections 57—64 deal with suits for money lent or money had and received. I am only giving a rough description. Sections 66—83 deal with suits on bonds, promissory notes, bills of exchange, surety and indemnity; and section 85 deals with mutual open and current account. Sir, when, over sixty years ago, the Limitation Act was passed, the period for these four classes of suits was very carefully considered as a matter of policy. Dr. Whitley Stokes, at that time, in his speech, explained why in India three years was a more suitable period than six years which obtained in England. Sir, it has been said:

"The progress of commerce leads to the multiplication of contracts, and the frequency of intercourse between man and man, and thus enlarges the field of dispute and litigation. To check this litigation, rules of limitation more or less stringent are rendered necessary."

Dealing with the specific period of three years, Dr. Stokes said this:

"The fact that written evidence is more liable to destruction in this country is one reason why our periods of limitation are shorter than in England."

Therefore, when this period of three years was decided upon, it was not decided upon in a haphazard manner. It was considered desirable that in this country litigation, which was more rife than in England, should be checked. Sir, the shorter the period of limitation, the better is the check, because immediately the period is over, the remedy is barred. By extending the period of limitation, litigation is encouraged. That was one reason. The second reason was that in this country men depended upon documentary evidence of a rather flimsy character, a little *purja*, a *chit* or something of that sort, not a document drawn up in a solicitor's office, a formal document. Such documents are more liable to destruction than formal documents. Having regard to all these considerations, the shorter period of three years was decided upon.

Now, the only ground which I heard my Honourable friend, Sardar Sant Singh, to urge for extending the period was the present trade depression. Sir, this is, as has been pointed out by several previous speakers, we hope, a temporary phase. In order to meet a temporary phase, is it necessary to change the general law of the country? As the learned Leader of the Opposition pointed out, if it were a Bill to establish a moratorium for a certain period, that certainly would have given relief to debtors. But it does not do that. By merely extending the period

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of limitation, you give a longer rope to the creditor; the debtor is not relieved and the creditor can go to Court any moment. How the creditor benefits by having this longer period, I will presently show. My Honourable friend, Sir Hari Singh Gour, anticipated my argument to a large extent on this point. Suppose a debt is carrying compound interest at 12 per cent. If you give a longer period and if the creditor feels that the debtor is substantial enough, then he will wait till the last moment in order to recover the higher rate of interest. But, if the creditor has to go to Court within three years, then all he will get under the decree is the Court rate of interest which is always very much lower than the contractual rate. Therefore, to compel the creditor to go to Court at an earlier period is to the interest of the debtor, because the burden is lessened when the contract merges into the decree. The contract, as a rule, in this country is more onerous than the decree. Now, Sir, take the case of a friendly creditor and a friendly debtor. The creditor does not want to break the debtor: he wants to give him time to pay up. Sections 19 and 20 of the Limitation Act itself provide that a creditor need not go to Court within three years. If he finds that the debtor is in temporary difficulties and he wants to help him, all he will ask the debtor to do is to acknowledge his debt or ask him to pay something by way of interest or make a part payment. Either acknowledgment or part payment or payment of interest will extend the period by another three years. Therefore, a friendly creditor, who does not want to hurt his debtor, can always help him. He can always extend the period. Extension is at his option. Sir, for the benefit of non-lawyer Members of the House, I wish to draw their attention to sections 19 and 20 of the Limitation Act to which my learned friend, Mr. Lalechand Navalrai, has made a reference.

Section 19 runs thus:

"Where, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed."

This is one method by which the period can be prolonged. Section 20 says:

"Where interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorised in this behalf, or where part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf, a fresh period of limitation shall be computed from the time when the payment was made."

Therefore, my submission is this: The Limitation Act, as it is, contains provisions for extension and a friendly creditor can always allow the debtor to take advantage of that extended period. But if the creditor be not friendly, then you cannot help the debtor by mere extension of the period. On the contrary, you give the creditor a longer period in order to accumulate his interest at a higher rate and you give him a longer period to choose his time when he can hit the debtor. Sir, when you come to examine the Bill closely, it appears more a creditor's Bill than a debtor's Bill, a Bill for helping the creditor and not for helping the debtor. The debtor will be seriously prejudiced by this extension, whereas, at present, on the expiration of three years, if nothing else happens, the remedy is

completely barred. But if you accept this Bill, then you allow three more years to the creditor to keep his claim alive. I do not see how Sardar Sant Singh can claim that this is a Bill which will help the debtor; it will undoubtedly help the creditor.

Then, Sir, it has been said that compound interest may accumulate under the three years limitation, but it will cease to accumulate if you extend the period by another three years. I cannot understand this position. Compound interest will cease the moment a suit is filed or, as some Courts have held, the moment the decree is passed. But, by extending the period, you do not stop the running of compound interest in any way, because so long as the suit is not brought, the contract is operative. If the contract provides for compound interest, it will go on accumulating till the suit is brought.

**Mr. Lalchand Navalrai:** If it provides.

**The Honourable Sir Brojendra Mitter:** Yes; and if it does not provide, then the question of compound interest does not come in.

**Sardar Sant Singh:** May I, Sir, explain what my point is. I meant to meet the same argument which the Honourable Member is advancing now, that is, to get the period extended by making an acknowledgment in accordance with section 19 of the Limitation Act. If you make an acknowledgment, it will contain both the principal and the interest and in future both the interest and the principal under section 19 of the Limitation Act will bear interest for the next three years. That is the accumulation.

**The Honourable Sir Brojendra Mitter:** Very well, Sir. Then, I take it, that Sardar Sant Singh's argument is that the contract is a burdensome contract for the debtor and the acknowledgment only continues that burden. I take it, that is his argument. If the contract is a burdensome contract, then the sooner it comes to an end and merges into a decree, the better it is for the debtor, because the decree is necessarily less onerous than the contract itself. If, however, the contract is not burdensome, then his argument does not apply. But if it is a burdensome contract, then the decree gives greater relief to the debtor than the continuance of the burdensome contract. Then, Sir, it has been said by Raja Bahadur Krishnamachariar that if you do not extend the period, then the creditor may claim an enhanced rate of interest from the debtor on pain of a suit being brought against the debtor. What prevents a creditor from claiming an enhanced rate of interest from his debtor even when the period is extended? As soon as his money falls due, he has got the right to go to Court and he can say to his debtor: "Unless you raise the rate of interest from 12 to 18 per cent., I shall bring my suit." He can do so even if the period be extended to 20 years, because his right to sue accrues as soon as the money falls due. So what difference it makes if the period is extended, I for one cannot make out.

Then, another argument, which was used, was that a short period makes a dishonest debtor more dishonest and an impatient creditor more impatient. Sir, frankly speaking, I do not follow this argument. If the debtor is dishonest, the creditor will not hesitate to go to Court at the earliest possible moment. By extending the period, you cannot prevent the creditor from going to Court. If the creditor be impatient, he has always the right to go to Court as soon as his cause of action arises. But do you improve the position of the debtor in any way by extending the

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period? By extending the period, the creditor is absolutely unaffected. I have said this many times and I repeat it, because that is a point which seems to have been lost sight of in the debate. By extending the period, you do not compel the creditor to hold his hand in any way. He can go to Court any moment he likes. Only he gets a longer period to choose his time, and he will choose his time according to his own interest and not to the debtor's interest. Thus, you are helping the creditor by extending the period.

**Rai Bahadur Lala Brij Kishore:** Sir, may I ask a question? If the paper which contains the acknowledgment is lost, what course should we adopt?

**The Honourable Sir Brojendra Mitter:** The liability of papers being lost in this country was one of the reasons why the period in India was made shorter than in England. If the paper be lost, the creditor has to thank himself for his negligence.

**Sir Hari Singh Gour:** If the acknowledgment is lost, the creditor loses his remedy; so much the better for the debtor. (Laughter.)

**The Honourable Sir Brojendra Mitter:** Sir, I have said that this Bill will afford no relief to the debtor. It will give considerable advantage to the creditor which the creditor is not asking for, because the Bill, as I understand it, is designed to give relief to the debtor. I have endeavoured to show that it will give no relief to the debtor, but will give additional advantage to the money-lender and, instead of being a measure of mercy towards the debtor, it will be an instrument of greater oppression. For these reasons, Sir, although I fully sympathise with the object with which Sardar Sant Singh brought this Bill, I cannot, on behalf of Government, accept this measure.

**\*Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, after the very lucid and learned speeches of my Honourable friends, the Law Member and the Leader of the Opposition, it was not necessary for anybody to stand up and lend support or repeat the same arguments. The only reason why I have stood up is just to give a little bit of my moral support in opposing the Bill.

I will only give two illustrations which will convince the House that this Bill will not give the desired remedy, but will have the reverse effect. In the Aligarh district, there was a case against one zamindar. He had borrowed Rs. 400 and the interest went on accumulating. The result was that the decree which was passed against him by the Allahabad High Court was for Rs. 3,68,000. That is the evil effect of accumulation of interest; a man borrowing Rs. 400 and having to pay Rs. 3,68,000.

**An Honourable Member:** Is it a reported case?

**Mr. Muhammad Yamin Khan:** Yes, it is a reported case. That is the evil effect of the accumulation, and I would be the last person to allow the creditor to go on accumulating the interest quietly over the head of

the debtor. Nowadays the chief classes who borrow are the tenantry and the zamindars. The poor tenants have got no money to pay, and to allow any debt against them to accumulate and the interest to be heavier on their shoulders, which they would be unable to pay later on, would be defeating the object which my Honourable friend has in view. And I think the arguments advanced by the Law Member met his case fully. He will understand that at present in the villages the unsecured and unregistered debts which are contained in a *khata* carry interest at the rate of two per cent. and very seldom below that. At the rate of two per cent. per month with compound interest the sum accumulated becomes from Rs. 100 to Rs. 200 in three years time. If, instead of three years, the period becomes six years, this sum of Rs. 200 will double itself after the next three years. That is to say, the man who borrows Rs. 100 will, after six years, if the creditor is sitting quietly and not demanding payment, have to pay Rs. 400. To allow the interest to be accumulated at this rate or to this extent cannot and will not help the debtor, and, in actual practice, my Honourable friend's object will be frustrated unless my friend says that he wants to help the creditor. Of course it is the choice of the creditor to go to Court after a year or after six years. But why should that choice, which is limited to three years, be allowed to extend to six years? I think my Honourable friend, the Mover, comes from a province which calls itself an agricultural province and I think there is some kind of law there which distinguishes between an agriculturist and a non-agriculturist. In my province, there is no such thing. It will be in the interest of the people, whom he comes to represent, that he should withdraw this Bill and not press it further.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** (Member for Education, Health and Lands): Sir, I would not have intervened in this debate after the most convincing and lucid speech of the Leader of the House. But perhaps the Honourable the Mover of this motion would like me to remind him that what he wants to do now for India, the Punjab Government did for the Punjab agricultural debtors about 1917 or 1918—I forget which. That is to say, they passed a special Limitation Act. It appears that the experiment did not succeed. In any case, under the reforms, the first, I believe, or the second private Bill, which was enacted by the Reformed Legislative Council, was repealing that Limitation Act. Whether the agricultural representatives in the Punjab Legislative Council were right or wrong, it is not for us to determine; but certainly the view they took was that the six years' limitation was against the interests of the agricultural debtors, and they restored the all-India provision of three years. I just wanted to state this fact to the Assembly.

**Some Honourable Members:** The question may now be put.

**Mr. O. F. Grant** (Burma: Nominated Official): First of all, Sir, I must ask for the indulgence which this Honourable Assembly customarily extends to those who address it for the first time. I had not intended to speak on this motion, and I trust it will not be thought that I am unduly breaking the tradition of silence in this Assembly which has been generally observed by those who come from my province of Burma.

I entirely agree with the remarks which have been made by recent speakers that the case has been covered so lucidly and elaborately in the speeches of the Honourable Leaders on both sides of the House that it is not necessary for me to traverse the short provisions of the Bill. I am

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afraid that anything I might say has already been much better said. However, there are one or two small points to which I should like to draw attention. First of all, it is advantageous, I think, that a number of people should express their opinions on this Bill, so that the reasons for opposition to it should not be misunderstood. This is a Bill which is brought forward with the intention or belief that it will help the unfortunate debtor class at a time when most of the world falls into that unhappy class, and, therefore, it is important that there should be no misrepresentation of the opposition to the Bill. I sincerely believe that its provisions will not be in the interests of the debtor. I think that most people who study these questions have come to the conclusion that all over the world one of the necessities for restoring a reasonable degree of prosperity is scaling down of all kinds of debt. This is not a thing which people willingly face. Claims which are just and reasonable ought to be paid. In normal times, they would be paid. These are not normal times; and I think any measure, which tends to increase or to prolong—I would rather say both to prolong and to increase—the amount of debt which is at present carried all over the world, is mistaken. This Bill not only tends to prolong the period of indebtedness but may increase the amount of interest payable. It should be clearly pointed out in the interests of the debtors themselves that any extension of time of the nature indicated in this Bill would tend to carry on for a longer period the already very heavy burden of debt. I am sure that most people who are creditors in their heart of hearts fully realise that many of the debts which are at present due to them will never be paid in full. I agree that we must all view with a great deal of regret the fact that the scaling down of debt will mean the destruction of invested capital and a great deal of loss, and we have already suffered so much from the destruction of values that naturally any further losses cannot be easily faced. I am quite sure that those of us who have had at some time or other in our service to deal with agricultural debt and with co-operation realise that the chief difficulty is to get the debtor to face the situation and face unpleasant facts; and, frequently, in the case of the petty debtor, these facts are so unpleasant that we can hardly be censorious when we find that he does not willingly face them. I think that this measure would tend to keep him from facing facts for a further period and will not be either to his material or his moral interests. The danger, as we all know who have any experience of co-operation, is that the debtor will procrastinate as long as he can. I do not think I need make any further remarks, and I think that the Bill must be opposed.

**Mr. Muhammad Anwar-ul-Azim** (Chittagong Division: Muhammadan Rural): Sir, I do not think it is necessary at all for me at this stage to intervene in this debate. But it seems that we have not been able to be convinced of the cogency or the purpose for which this Bill has been introduced by my learned friend, Mr. Sant Singh. In his Statement of Objects and Reasons he states that he is for uplifting the present so-called deplorable condition of the poorer agricultural debtors inhabiting his part of the country. Mr. Deputy President, I am quite certain, he would not like to take the responsibility of representing the interests of the tenants or the debtors in other parts of the country, and perhaps he has brought forward this measure merely because he is interested in elevating the condition of the agricultural labourers in his part of the country. After

listening to the observations made by the Honourable the Leader of the House and our esteemed friend, the Leader of the Opposition, I do not think there can be any doubt in the mind of anybody about this matter that this measure is never likely to benefit the debtor. So far as I am concerned, I think my friend, Sardar Sant Singh, has not made out a strong case in favour of his motion. It appears to me, Sir, that my friend, Sardar Sant Singh, by endeavouring to improve the condition of the agricultural labourer, has indirectly tried to improve the cause of the money-lenders and others who are interested in money-lending. If he had referred to the present law of limitation, he would certainly have found that sections 19 and 20 amply provide for the extension of the period from three to six years which he seeks through this Bill. What is prevalent in most parts of the country is this, that in the cases of small debts, if the debtor is not able to pay off the loan immediately, he executes a small bond, and it is registered, and when registration is done, the period runs up to six years, and the debtor cannot be troubled until the expiry of that time. Therefore, if my friend thinks that, by extending the period from three to six years, he will benefit the country's cause by this measure, he must be sadly mistaken. Many speakers have spoken before me, and, I am sure, that almost all of us are convinced that there is hardly any necessity to change the existing law on the subject. If we had adequate information from all parts of the country, from responsible public bodies who generally deal with these measures, perhaps there might have been some justification for us to consider this matter at this stage. But, in the absence of that, I feel that no case has been made out before this House to necessitate a change in the period of limitation. A friend of mine, who was just talking to me, a Punjab zamindar, said that the zamindar classes in his part of the country were very indolent; and if the period is extended, as suggested in my friend's measure, to six years, the noose will be much bigger, and, in their indolence, the zamindars will entirely forget to pay up their dues, with the result that there will be chaos in the country and nobody will be benefited by it. I, therefore, oppose this measure.

**\*Mr. B. N. Misra** (Orissa Division: Non-Muhammadan): Sir, I strongly oppose this measure. If you want to make lazy people more lazy, I think you have to pass this Bill. The position is, the debtor is always in a very unhappy position; he has to repay when he borrows money, and it is his duty to do so. We have many duties to discharge, and so to pay up a debt is also a great duty devolved upon a debtor. Now, if you extend the period of limitation, what will be the consequence? **Sir, I remember a case in which a pro-note was executed for Rs. 200. At the end of three years, the amount doubled to Rs. 400, and in eight years, it probably came to Rs. 800, because the rate of interest specified was 25 per cent. or so. Then, after a few years, it was found that the total amount came up to Rs. 1,600 or so, whereas the money originally taken was only Rs. 200, because every three years the pro-note was renewed for an enhanced sum including the interest. Therefore, by extending the period of limitation, you place a temptation in the way of a lazy man to renew the pro-note and avoid payment in due time; he sleeps over the matter.**

I think, Sir, the period of limitation is very healthy, and, the shorter the period, the better it is to all concerned, because, as I pointed out just now, a sum of Rs. 200, which was first taken as a loan, accumulated to



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Rs. 1,600 in eight years by renewing the pro-note every three years. If the law was stringent, this man would have paid back his debt in time and would have saved his land and property. My opinion is that it will do good to nobody if the period of limitation is extended. If a debt is to be paid within a certain period, it must be paid by that time. Therefore, considering all facts, I oppose extending the period of limitation.

**An Honourable Member:** Sir, I move that the question be now put.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The question is that the question be now put.

The motion was adopted.

**Sardar Sant Singh:** Sir, when I introduced this measure, I never thought it would arouse so much opposition, as I find it has done, in the House. I least expected that opposition would come even from my Leader whom I am very proud to follow, and I never thought that he would supply all the arguments to the Honourable Member opposite against my proposition. At the same time, I do not know how it is that the real significance of the measure, as it is on the present occasion, has been lost sight of by such a shrewd gentleman as my friend, Mr. Yamin Khan. The position is this. At the very outset, I mention the fact that the Punjab had a special Act governing limitation from the year 1904 probably up to the year 1925. This Act was known as the Punjab Loans Limitation Act, and the period for money suits was six years. In 1925, the local Legislature repealed that Act and brought down the period to three years. This fact has been mentioned by the Honourable Sir Fazl-i-Husain to show that the agricultural opinion in the Punjab was against this measure. I submit, Sir, that if the monetary state of the world has been the same, as it was in 1925, this measure would be against the interests of the agriculturists. But the times have changed. The value of the rupee, that had appreciably depreciated in the year 1925, has considerably appreciated in the year 1932. In the year 1925, the intrinsic value of the debts had gone down, while, in the year 1933, (though I am not an economist and am not able to explain the thing so well,—I wish Dr. Ziauddin Ahmad were here to put the whole thing in proper light),—the value of the rupee having appreciated the burden of debt has increased on the peasantry and the agriculturist. Therefore, relief is wanted till the time when the value of the rupee depreciates and the intrinsic value of the debts goes down again. May I remind my Honourable friends that England is refusing to pay her debt to the United States of America simply because the intrinsic value of the debt has increased by the exchange going down from 4.86 to 3.42 as it is today.

**An Honourable Member:** That is quite different.

**Sardar Sant Singh:** That may be different, but I may point out this to those friends of mine who think that this measure is for the benefit of the creditors. I still believe that the measure, I have introduced, is in the interests of the agriculturists and not in the interests of the capitalists like Sir Hari Singh Gour and the Law Member who come from the class of capitalists. How can they oppose a measure if it is in their

favour? The position is this. The Honourable the Law Member opposes this Bill on the ground that the creditor remains unaffected by the passing of this Bill and that he is at liberty to go to Court at any time he likes and force his remedy as soon as the cause of action accrues to him. There is no doubt about that. But the debtor is affected. The threat is held out to the debtor to be sued in Court immediately or to give an acknowledgment. If he gives an acknowledgment, he is burdened with compound interest, because the interest that has accrued till the date of acknowledgment will become part and parcel of the principal amount and the principal and interest added together will bear interest in future.

**The Honourable Sir Brojendra Mitter:** An acknowledgment means this. It is an acknowledgment of liability. It does not affect the quantum of liability, nor does it have the effect of increasing the liability.

**Sardar Sant Singh:** I am constrained to say that the Honourable the Law Member is ignorant as to how acknowledgments are made in ordinary village transactions. My Honourable friends will bear me out when I say that an acknowledgment is not an acknowledgment of debt as it is, but the whole account is gone through and the acknowledgment contains both the principal and interest and a particular sum is arrived at . . . . .

**The Honourable Sir Brojendra Mitter:** That is a new contract. It is not an acknowledgment.

**Sir Hari Singh Gour:** Account stated.

**Sardar Sant Singh:** But, Sir, that is the way in which acknowledgments are made in the Punjab, and I hope that my friends from the Punjab and my lawyer friends in this House will bear me out that that is the practice. They have to pay compound interest after the acknowledgment has been made.

**Mr. G. S. Dutt** (Bengal: Nominated Official): If it is in the Punjab, then bring a Bill in the Punjab Council.

**An Honourable Member:** That does not apply to other parts.

**Sardar Sant Singh:** I do not know about the other parts, but I know that is the usual way for giving acknowledgment. After the acknowledgment, which is known as *Baqi*, interest accumulates on the interest as well as on the principal which was previously due. What I want to point out is that there are two alternatives open to the debtor—either to be sued in Court immediately, or without giving an acknowledgment the debt should remain for a period of six years. If he is sued in Court, the argument advanced is that the Court will extend indulgence to him by refusing interest or by not granting further interest and granting instalments for the payment of the debt. It is quite true, but what about the costs that are burdened on him on account of the suit that has been instituted? That exceeds the amount of interest, and, then, what about

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the harassment that is caused to him after the decree is passed? Apart from the legitimate charges of the Court-fee and Counsel's fee, he has to pay other charges which become part of the decree passed. He is harassed every day by attachment, by visits from process servers, by arrest and detention . . . .

**An Honourable Member:** They will be doubled after six years.

**Sardar Sant Singh:** They will not be doubled—that is exactly what I am pointing out. I want the period of limitation to be extended, so that the remedy may be kept alive for a period of six years.

**An Honourable Member:** Remedy to whom?

**Sardar Sant Singh:** The argument is that section 20 of the Limitation Act may be made use of and thus the period of limitation may be extended. There are two ways of meeting that argument. Section 20 is made very little use of by ordinary peasants or agriculturists. It is made use of only in the cases of banking institutions or highly organised bodies and not in the case of transactions by ordinary debtors and creditors. This argument reminds me of a story about the working of an oil mill. A guest was being entertained in a house where an oil mill was working. A buffalo was working the mill. There was a bell attached to this buffalo's neck. The guest asked the host: "What is the use of this bell?" The host replied: "We know that the buffalo is going round and does not stop." The guest said: "If the buffalo stands still and shakes his head the bell will still ring." The host replied: "My buffalo is not a philosopher like you." So, in the villages, among the agriculturists and peasants, there are no Hari Singh Gours or other lawyers to advise them to make a payment of eight annas and save limitation for six years. Again, suppose, if the limitation can be saved in that way, what difference does it make if the Legislature comes to the help of the debtor and saves the limitation for him? After all, these are the two ways arriving at the same result. If the limitation can be saved by payment of a small amount of money, the same thing can be done by the Legislature coming to help in these days of depression and extending the period of limitation from three years to six years.

**The Honourable Sir Brojendra Mitter:** How do you prevent the creditor from going to Court within the three years? That is what I cannot understand.

**An Honourable Member:** By force.

**Sardar Sant Singh:** This Bill will leave the creditor unaffected. Whether the limitation is for three years or for six years, it does not affect the creditor so far as his right of going to Court is concerned within the stipulated period. But, what I say, is, that this Bill is for the benefit of the debtor at this time of the year when the depression is on.

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official): You are asking for a permanent amendment.

**Sardar Sant Singh:** As regards that, I shall be glad to consider any amendment to the effect that the Bill should be limited to three or four years, so long as this depression lasts. That will be a reasonable way of meeting it. If the Law Member had come forward with any such suggestion, I should have absolutely no objection to withdraw this Bill and agree to his suggestion. But the Honourable Member has not made any such proposal.

**Captain Sher Muhammad Khan Gakhar:** Would you agree to the vote of the Punjab debtors? You can come to the lobbies and take the vote.

**Sardar Sant Singh:** Certainly. If my Honourable friend can manage that, I will be most willing to co-operate with him. Another argument that has been advanced against the measure is that this House will never be a party to any measure which helps the accumulation of interest against the debtor. My submission is that this argument is directed more against the rate of interest than against extending the period of limitation for bringing the suit. If this House feels, and I also feel along with them, that the way in which the money lending business is being carried on in the country is highly detrimental to the interest of the agriculturist, if any gentleman brings forward a measure which fixes the maximum rate of interest, I will certainly be in sympathy with him. My friend's argument that in a particular case, before the Allahabad High Court, a sum of Rs. 400 was accumulated to something Rs. 3,68,000 is quite sound and, if he had come forward with a measure limiting the rate of interest or fixing the maximum rate of interest in the case of debts advanced to agriculturists, I would have supported him. But this has nothing to do with the fixing up of the period of limitation for suits. I do not see the relevancy of it. I appreciate the position of the debtor whose debt has increased considerably owing to the accumulation of interest, but this is not the aim of the Limitation Act. For that another Bill should be introduced fixing the maximum rate of interest.

**An Honourable Member:** Why don't you bring in a Bill about that?

**Sardar Sant Singh:** That is an entirely different question. My position is that a measure like this is needed at the present time to help the debtor. I still remain unconvinced that this will not help the debtor. Sir, I commend the Bill to the House.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is:

"That the Bill further to amend the Indian Limitation Act, 1908, be referred to a Select Committee consisting of the Honourable Sir Brojendra Mitter, Mr. D. G. Mitchell, Dr. F. X. DeSouza, Mr. Jamal Muhammad Saib, Sir Cowasji Jehangir, Mr. N. N. Anklesaria, Mr. Rahimtoola M. Chiny, Mr. K. C. Neogy, Sir Abdur Rahim, Mr. G. Morgan, Sir Hari Singh Gour and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was negatived.

## THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

**\*Sardar Sant Singh** (West Punjab: Sikh). Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee consisting of the Honourable Sir Harry Haig, Sir Hari Singh Gour, Mr. S. C. Mitra, Rao Bahadur B. L. Patil, Mr. Lalchand Navalrai, Mr. Abdul Matin Chaudhury, Mian Muhammad Shah Nawaz, Mr. B. R. Puri, Sir Abdur Rahim, Mr. Gaya Prasad Singh, Mr. D. G. Mitchell, and, I would add, with your permission, Mr. S. R. Pandit, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This Bill deals with a number of sections of the Criminal Procedure Code. I am conscious that some of these amendments, which I propose and which I shall explain presently, may not be to the liking of some of the Honourable Members, but they have become necessary on account of the changes both in the constitutional position of the country as well as to certain abuses that have been pointed out from time to time during the trials of those persons who are commonly known in the press as political prisoners. With your permission, Sir, I will deal with the clauses briefly in order to explain what I want to amend. Clauses 2, 3, 4 and 5 are the clauses which propose the omission of section 30 from the Criminal Procedure Code. Clauses 3, 4 and 5 are incidental to the omission of this section. Clause 30 of the Criminal Procedure Code reads:

"In the territories respectively administered by the Lieutenant-Governors of the Punjab and Burma and the Chief Commissioners of Oudh, the Central Provinces, Coorg and Assam, in Sind and in those parts of the other provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may, notwithstanding anything contained in section 29, invest the District Magistrate or any Magistrate of the First Class, with power to try as a Magistrate all offences not punishable with death."

The House knows that the status of these provinces has been changed from, what I may call, the inferior status of government by Lieut.-Governors and Chief Commissioners to the status of Governor's Provinces. This is an anomaly to have Magistrates invested with powers of sending the accused to jail for seven years under one count and 14 years under two counts. From my experience of criminal trials, now extending over 25 years, I can assert that the conduct of trial is not so conducive to confidence in the administration of justice as is the case with the trial in the Courts of Sessions Judges. The first disadvantage is that in such serious cases there are no assessors as in Sessions trials and, being without the aid of assessors, the Magistrate deals with the serious cases as if they were petty cases. The other disadvantage is that according to the rules, made by the several High Courts, the Magistrates have to show a certain amount of disposal and that necessity makes them to hurry on with the trial of cases involving serious charges. The third disadvantage is that so long as the executive and judicial functions remain vested in the same Magistrate, he cannot dispense justice impartially and judicially as a judicial officer is expected to do.

You know, Sir, that it has been a long standing complaint in India that judicial and executive functions are vested in one individual and there has been a consistent and persistent demand for their separation. This complaint has been in existence for the last 100 years or so and my Honourable

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\*Speech not revised by the Honourable Member.

friends are aware that in reply to a question put in 1927 and again repeated in 1928 in the House of Commons the Under Secretary of State said that the Government of India had been considering this question for the last 90 years and still it has not been decided. There is no knowing when this desirable separation will be brought about. Therefore, it is necessary that this section should be omitted from the Criminal Procedure Code. I want that any person who is to be tried for a serious offence should be tried by a competent judicial authority. This is not only in the interest of those persons who are accused of the offence, but it is in the interest of the administration as well that the confidence of the public in the impartial administration of justice should be rehabilitated. I think it is a matter of common knowledge that in India the people have lost a good deal of faith in the impartial administration of justice. It is high time, and especially so when the repressive laws are in full swing, that there should be established in India a sense of confidence in the Magistrates and that the orders of the Courts should be regarded as something very solemn and very serious. Secondly, I do not see any reason why the Punjab and other provinces should be considered of an inferior status and why the system which is followed in other provinces should not be introduced in the Punjab also. Therefore, I suggest that section 30 Magistrates should be done away with and the trial of these serious offences should be held by superior officers.

The next section, Sir, which I propose to amend, is section 103 of the Criminal Procedure Code. Section 103 deals with the procedure for carrying out a search. It is laid down in that section that:

"Before making a search, under this Chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search and may issue an order in writing to them or any of them so to do."

In this section it has been provided that it shall be necessary for the officer, who conducts the search, to call for two respectable inhabitants of the locality. The reason for this is that, in order to avoid any sort of under-hand dealing by the officer conducting the search, two persons of the locality who are respectable citizens should be present there. This is a very healthy provision and nobody can take exception to the spirit which underlies the insertion of such provisions. But the difficulty which stands in the way of the working of this section is that the word "locality" has been interpreted in a manner which makes this section a dead letter. It has been held that the word "locality" does not mean the same quarter of the town as the place searched is situated, *vide* 4 Cr. L. J. page 222. Now, this interpretation of the word "locality" has led to this that the officer, who wants to make the search in the house of a suspect, takes two Lambardars or Zilladars, who, after all, are semi-Government officials, from the place wherefrom he starts and then he conducts the search. They sign the search list, with the result that they go into the Court and give evidence in support of whatever the searching officer says, and . . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The House will now adjourn for Lunch till Half Past Two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

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**Sardar Sant Singh:** Sir, before the House rose for Lunch, I was referring to the amendment which I propose to make in section 103 of the Criminal Procedure Code. My amendment aims at two things. In the first place, the persons who should be present at the time, when the search is to be carried, should belong to the vicinity where the house to be searched is situated and, secondly, the search list should alone be a legal evidence to prove the search. I will quote an authority about this object which I have in view. It says:

"The provision is aimed against possible chicanery and unfair dealing on the part of the officers entrusted with the search-warrants and was made to ensure confidence that anything incriminating which may be found in premises searched shall be really found and shall not be what is called 'planted'."

This is the object of this section. The present section, worded as it is, has failed to achieve this object. We find that in 21 Madras, page 83, it has been held:

"The word 'locality' does not mean the same quarter of the town as the place searched. The stress is on the word 'respectable' and not on the word 'locality'. Failure to call inhabitants of the locality as witnesses does not make a search illegal."

If the provisions of this section are not strictly observed, even then, if an incriminating article has been found, independent evidence for that can be given and, if the Magistrate is satisfied that the incriminating article has been found, he can proceed with the case on its merits. My object is that such healthy provisions, as are enacted in this section, should be made really effective. To achieve that object, what I propose, is, that not only respectable persons should be called to witness the search, but also witnesses should come from the locality so that it should not be easy for any official to plant anything in the premises. The working of this section, during my practice, has been that investigating officers, especially in excise cases, go to a village and take certain Lambardars and Zamindars with them; they make the search and discover certain articles: a list is made of the articles and it is signed by those persons who accompanied the investigating officer. The man is then brought to the place of trial where the evidence of these persons is recorded and the man is convicted. I may say that it is not at all a rare occurrence that incriminating articles were planted in the house and the convict is not guilty at all. In the Punjab, at any rate, the impression is that excise cases are very often fabricated cases. Persons, who witness the search, accompany the investigating officer for the purpose of getting some reward, because in excise cases big rewards are offered. These rewards are a sufficient temptation to support the excise officer in whatever view he takes of a particular search. As the provision is aimed at such practices, I think the House will be justified in making the real object of the section effective by making the necessary changes. I propose two changes in this section. Firstly, that the word "locality" should be replaced by the word "vicinity". I have no special love for the word "vicinity" and if, in the Select Committee, a better word can be found, I will have no objection to change this word. My object, however,

is quite clear. The second thing that I wish to do is to add a new sub-section which runs thus :

"No evidence other than the list drawn up in accordance with the provisions of this section shall be admitted to prove the articles discovered during the search."

This provision has become necessary on account of the ruling of the Full Bench in the case reported in 34 Madras, 349, in which it has been held :

"When a search has been conducted under section 103, evidence can be given regarding the things seized in the course of the search and regarding places in which they were respectively found other than the list which the law in the section directs to be drawn up containing these particulars."

My submission is that this interpretation of section 103 means that the investigating officer need not have observed the conditions laid down in section 103. If he can independently prove that he found an incriminating article, the man can be punished. This will amount to making this section a dead letter in the Criminal Procedure Code. Again, my object is that this section is a very healthy one and it should be made really effective and binding in all the investigations that are carried on under the Criminal Procedure Code.

I now come to the next amending section. This is section 167 of the Criminal Procedure Code, and it relates to the remand. The provisions that already exist in the Criminal Procedure Code about the grant of the remand are like this: a person is arrested, and he can remain in police custody for not more than 24 hours. If the police think that the investigation cannot be completed within 24 hours, they have to produce him before the Magistrate in order to get a remand and the maximum period of this further remand is fixed at 15 days. The investigating officer arrests a person, detains him for full 24 hours and then sends him to the nearest Magistrate. When he is so produced, this section requires that the Magistrate can only grant a further remand up to 15 days if he is satisfied that there are reasons for doing so. This is a very healthy provision that the Magistrate should know the reasons why a further remand is demanded by the investigating officer. But, in practice, things are not done as the law requires. There have been persistent complaints that in political cases and, especially, in civil disobedience cases, the Magistrate gives a remand without recording any reasons and without insisting on the presence of the accused; and sometimes remand papers are signed without reading the diaries and going into the papers. At other times remand has been given by the Magistrate going to the place where the accused is detained. There have been persistent complaints in the Press that the accused have been detained in unauthorised places; and, if I mistake not, the Punjab High Court had to interpret the Prison Act saying that the Lahore Fort, where the accused in several Conspiracy Cases were detained, was not an authorised place where they could be detained. The Magistrates have gone there, seen the accused from a distance and have written an order of remand. This is not what the section contemplates, but that has been the practice. What I am aiming at is that, first of all, the remand should be given in the place where the Magistrate ordinarily holds his Court. This will add not only dignity to the proceedings, but a sort of sublimity and solemnity also.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Why? To fill the pockets of the pleaders?



**Sardar Sant Singh:** I will come to that later on and meet your objections.

The proposed procedure is likely to go a long way in establishing confidence in the administration of justice. Another advantage would be that the accused, by being taken before the Magistrate, will be afforded an opportunity for putting his case before the Court. The section says:

"The officer in charge of the police station or the police-officer making the investigation if he is not below the rank of sub-inspector shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall, at the same time, forward the accused to such Magistrate."

Further on, sub-section (2) says:

"The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorise the detention of the accused in such custody, as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction."

Then, in sub-section (3) it is laid down:

"A Magistrate authorising under this section detention in the custody of the police shall record his reasons for so doing."

Now, generally the reasons are not recorded. What I mean is that even if the reasons were recorded, no opportunity is given to the accused to say something against those reasons which are advanced by the investigating authority who wants the remand for a period of 15 days. How can the Magistrate be in a position to judge between the investigating officer and the accused if only one party is heard and the other party is given no opportunity to be heard in the matter. This is against the elementary principles of justice. The second advantage would be that if the accused is brought before the Magistrate, he can certainly complain of the improper treatment, if any, that has been meted out to him during the time that he has been in custody. The object of the remand is that if any torture or any improper conduct is attributed to the investigating officer in the conduct of the case, the accused should be enabled to complain to the Magistrate not only about such improper conduct, but also of the irregularities, if any, of the investigating officer. If the remand is given in his absence, how can he put his complaint before the Magistrate? Honourable Members of this House are aware that during the last few months there have appeared in the Press certain statements made in a certain Conspiracy Case alleging serious charges of torture against the investigating officers. These are due to the fact that the remand order was not taken properly in the first instance. If the remand orders had been taken, in accordance with the provisions of law, or at a place where the Court is ordinarily held, there would have been no such complaints; and, even if there are, the accused can be met by saying that he had had an opportunity of seeing the Magistrate and making such complaint to him at an earlier stage.

**Mr. K. Ahmed:** It is just the other way round.

**Sardar Sant Singh:** I do not follow the Honourable Member. Therefore the provision is aimed at doing away with this sort of injustice. The amendment says that the remand should be given at the place where the Magistrate ordinarily holds the Court; and, secondly, it should be explicitly

laid down in the section itself that the accused should have the right of addressing the Court against the reasons for further remand and, if he chooses, engaging Counsel. This will meet the requirements of my friend, Mr. K. Ahmed, because he would like to be engaged as a criminal lawyer and show his ability by arguing why a remand order should not be given in a particular case.

The next section which, in my opinion, requires amendment is section 205 of the Criminal Procedure Code.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I do not want to interrupt the Honourable Member. I recognise that in the case of a Bill of this nature it is difficult to define what exactly is the principle; but, in any case, I am afraid, at this stage the Honourable Member is going into too many details. I would very much like that the Honourable Member should speak in more general terms at this stage and reserve his detailed remarks for a later stage of the Bill.

**Sardar Sant Singh:** Very well, Sir; I will not go into details. I will only explain the principles which have called forth these amendments. Section 205 of the Criminal Procedure Code restricts the discretion of the Magistrate to grant exemption from personal appearance only in cases where summons have been issued in the first instance. There have been cases where Magistrates have issued warrants in the first instance and the person, against whom a warrant was issued, happened to be a *pardanashin* lady. An application was made for exemption from personal appearance at that stage of the proceedings. The Magistrate, though feeling inclined to help the unfortunate accused, pleaded his inability to do so for want of jurisdiction. The case goes up to the High Court and the High Court gets round this section by ordering cancellation of the warrant, issues summons again and then applies this section. This is, I think, in the interests of the Magistrates now that they should have full discretion when they want to exercise their discretion in dispensing with the personal attendance of a particular accused.

The next section, Sir, which requires to be amended, is section 386 of the Criminal Procedure Code. This section has created anomalies. The court sentences a particular accused to a fine and adds that, in case the fine is not paid, he will suffer imprisonment. The person undergoes imprisonment, but, even then, the power of realising the fine is given to the Magistrate. Of course he is called upon under this section to record reasons for exercising that power that the fine should be realised by attachment and sale of moveable property. The amendment is that this power of the Magistrate should be taken away. It is a double hardship. If the Magistrate, in the first instance, thinks that the person convicted is rich enough to pay the fine, he need not pass an order for imprisonment in default of payment of fine. He can issue a warrant and realise the fine, but, if he thinks that the fine is not recoverable, why give this power to the Magistrate and create a situation where double punishment may be meted out to the accused. When once he has undergone the imprisonment for not having paid the fine, why should the fine be recovered by attachment of his moveable property.

The next section, Sir, which I want to amend is section 406 of the Criminal Procedure Code. This relates to the right of appeal against the preventive sections of the Criminal Procedure Code, *viz.*, sections 107 to

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110. In the last amendment, which was undertaken, probably in 1922 or 1923, the course of appeal was changed. Originally the appeals lay to the District Magistrate, but, by the amendment, the appeal was to lie before the Sessions Judge. But a proviso was added that the Local Government might issue a notification by which they could invest the District Magistrate with powers to hear such appeals. What I understand, Sir, from general conversation is that, no other Local Government has issued such notifications except the Punjab Government. In the Punjab, the Local Government has issued a notification and appeals are heard by District Magistrates. In most cases, it is the District Magistrate who initiates the proceedings under the preventive sections of the Criminal Procedure Code. So, the healthy provision, which was enacted in 1923, is not being followed in the Punjab and what I say is that this power of issuing notification in the local Gazette should be taken away.

The last clause, Sir, relates to the sections relating to the hearing of appeals. Certain restrictions exist, Sir, in the Code. In petty cases, where a fine is imposed up to the limit of Rs. 50, there is no right of appeal and only revision lies. In case the revision is made before the Sessions Judge, he has to recommend to the High Court for giving the redress to the person convicted in cases where he is of opinion that conviction is not justified. That is an anomalous position. The anomaly lies in this, Sir, that a Sessions Judge, who has power to upset convictions involving sentence of imprisonment up to the limit of four years and a limitless fine, has no power to remit a fine of Rs. 50. The reason for this anomaly is stated to be that the case is a petty one. It is said that Magistrates should be vested with full powers which should be final. Supposing a respectable person is sentenced to 15 days imprisonment. For him, 15 days is a great hardship. He cannot have any right of appeal under the Code. He may be perfectly innocent. He puts in a revision application—the Sessions Judge has no power to accept such revision. He must recommend to the High Court for setting aside the conviction. The Sessions Judges are very chary of making such recommendation, and thus the poor victim is deprived of his rightful redress. Cases have happened where the High Court has intervened and has upset the judgments of the Magistrate, not only the conviction was set aside, but strong remarks were made deprecating the practice of awarding non-appealable sentences. This section, Sir, wants to do away with all these inconsistencies, and to remove all these anomalies. These are the provisions, which, I think, are necessary to be amended in the Code of Criminal Procedure. I tried to point out that all these provisions, if amended, would go to re-establish the confidence of the public in the administration of justice, and especially so, when the Statute-book has got very severe and repressive measures which are being administered by the Magistrates who exercise both the judicial and executive functions. It is absolutely necessary that this measure should be passed. Sir, I move.

**Mr. P. O. Dutt** (Madras: Nominated Official): Sir, if I rise to speak on this occasion, it is not because I am enamoured of my own voice and should like to hear it, but because I feel that having been long connected with the administration of the Code, which is proposed to be amended, I ought to speak a few words on the subject.

At this stage we are not to discuss in detail the clauses of the Bill; we are only to discuss the principle underlying the Bill. What is the underlying principle of the amending Bill which my Honourable friend wants to refer to a Select Committee? The underlying principle, I am sorry to say, Sir, is one of distrust of the police and of the magistracy. As regards the distrust of the police, we are familiar with that attitude among a certain section of our countrymen, but as regards the distrust of the Magistrate, that is a new attitude and is an attitude which should be deprecated and which should not be encouraged. Here, for instance, we are told that the Magistrates should not be allowed to give remand to prisoners except in their Courts. Magistrates are on duty all through the day, everywhere within their jurisdiction, and there is no reason whatever why that duty should be discharged only inside and not outside their Court house. Again, we are told that the Magistrates should not hear appeals, but only the Sessions Judges should hear appeals in security cases. Well, I do not see why you cannot entrust your District Magistrate with this power of hearing appeals. Has there been abuse of that power? No instances have been mentioned, and I do not think anybody could say that there has been. It is pertinent to ask, Sir, is my Honourable friend's amending Bill, is his motion, opportune? I am sure, nobody can reasonably say that it is. What with our civil disobedience movement, what with our terrorist movement, with the coming Reforms in the constitution of the country, I do not think that the present is the right time for amending an Act which is really the corner-stone of our criminal administration, the Criminal Procedure Code. The Reforms are imminent, and our constitution is going to be radically changed, and the time will come—and will come very soon I expect—when we shall get what is called Provincial Autonomy, perhaps Swaraj. Cannot my Honourable

friend wait till then? It occurs to me that my friends on the 3 P.M. opposite side of the House will not perhaps be so very hasty then to amend a code which is, as I have remarked, the corner-stone of our criminal administration. It has happened many times in the history of the world and it may happen again. After the French Revolution, what happened? After the Russian Revolution, what happened? The hands of the officials were strengthened: they were given more power than the old bureaucrats had under the *ancien régime*, and I expect that when the time comes, when we get our Swaraj, when we get our autonomy, our District Magistrates and our police will get more power than they ever had before.

**An Honourable Member:** No fear.

**Mr. P. C. Dutt:** A succession of British and Indian administrators have laboured long to build up an administration which, with all its defects, with all its shortcomings, is the wonder and the admiration of the world. I do not say for a moment that there are no defects in the British administration of this country: nothing is perfect as my friend behind me says. But the time will come later on, after we have set our house in order, after we have settled down a bit, when we may coolly and collectedly think over these defects and try and remedy them. As I have said, and as the Chair has ruled before, I got up to address the House not for discussing in detail the clauses of the Bill; and, on these general grounds, I have enumerated, I think this House should throw out this motion for referring the Bill to amend the Criminal Procedure Code to a Select Committee. Sir, I oppose the motion.

**Mr. K. Ahmed:** Sir, I did not know that I had to speak on this subject until I heard my friend only after the luncheon hour. I never tried to hear him, because from time to time I hear things sometimes very absurd. Before luncheon hour, I never made up my mind; so I am very sorry if my friend will think that I neglect him; but I saw his activity was very great at the time he was coming into the Assembly Chamber after the luncheon hour. I heard from him partly what he wants to say and I at once wanted to give him a reply outside in the lobby, that it will not be for the good of the country at large. My friend wanted to say that, under section 103 of the Criminal Procedure Code, two witnesses of the "locality" should be replaced by two witnesses of the "vicinity". He said that they must be witnesses to the search. In 1923, this section 103, I believe, which was the old section 102 of the Criminal Procedure Code, 1898, was amended, and I was a member of the Assembly along with six other elected Members of my friend's section of the Punjab Province alone, besides other Members, as we have now.

**Sardar Sant Singh:** Before the Englishman came?

**Mr. K. Ahmed:** Long after the Englishman came in and long after the arrival of the Punjab representatives, Sikhs, Muhammadans and Hindus; it was, if I remember correctly, in the beginning of the month of March, 1923; and in the seat of my friend, I think, Mr. Bhai Man Singh was sitting and Mr. Bhai Man Singh also took part in the debate. He is also a District Court pleader,—may not be of Lyallpur, but of a place nearer to Delhi—of Ambala; and Mr. Bhai Man Singh supported, I think, the provision that two independent witnesses of the locality should be present. "Locality" does not mean "vicinity"; respectable people of the vicinity may be his relatives, may be the wrong-doers, aiders and abettors of the theft for which the search is taking place. As the poor sub-inspector of police in charge of the police station will make a search and prepare a search list, certainly he has got a right and option to bring two witnesses of the locality. "Vicinity" means nearness and neighbourhood. Next, my friend from the district will go before the sub-divisional Magistrate who is to look into the papers and probably send the case to the file of certain first-class Magistrate to try the accused, his client; he will certainly enter into the search list whether there is any authentic proof that this man in broad daylight or in midnight committed the offence in question; and two respectable people of the locality means not his near neighbours or relations or abettors, but some respectable people in the broad sense of the term, not with the narrowness of the meaning interpreted by my Honourable friend of the District Court. Again, in 1923, the late Mr. Seshagiri Ayyar was representing the Democratic Party,—a better party than probably his own party, and his own leader was also a member of the Democratic Party then and probably President of the Party for some time, who also supported the provision, I believe. As I said, his seat was occupied by Mr. Bhai Man Singh, who was an advocate of the Punjab High Court, I understand, and a leading practitioner: we had the views of the libraries, not only of the Ambala district, but from Lyallpur and the High Court of the Punjab; and he had nothing to say on that score and no lawyers up till now submitted that the word "vicinity" should be used instead of the word "locality". I suppose "locality" was in the old section 102 of the Code of 1898 also; it is

distinctly stated there—two independent men of the locality. Here is a case in a village; independent men may not be found, and to interpret who is independent and who is not is again another difficulty. In the circumstances, the words “two respectable men of the locality” were adopted. That is to say, two gentlemen who were respected by the people of the “locality”, not of the “vicinity”. It is a very very narrow word that is suggested in this Bill. It is stated in the Statement of Objects and Reasons that sections 30 and 34 should be omitted and there should be something between the figures 31 and 32—that, again, in order that the Special Magistrate may convict persons if the conviction is less than a death sentence: that has also been misinterpreted and it is said that it should be omitted. Section 103 has again been misapplied and misinterpreted by my friend, and, in the Statement of Objects and Reasons, again, he made a hopeless mistake, which should not have been done.

Again, in clause 7, my friend says that in most cases the Magistrates were taken to the place where the accused were detained, and his amendment says that after the words “such Magistrate” the words “where he ordinarily holds his Court” shall be added, so that the Magistrate should pass an order of remand not anywhere else or at the place where the occurrence has taken place but at the place where he ordinarily sits. The order of remand may be passed at the place where he is taken by the police or where the accused is detained,—what is the harm? The Magistrate gets an opportunity to enter into the testimony of respectable people, see the guilt of the person before him; he can also see whether the accused has committed the particular offence or not; but if, on the other hand, he passes the order at the headquarters, the pleaders will be there, because my friend suggests that immediately after the words “this section”, in sub-section (2), the words “after hearing the accused or his counsel if the accused so desires” should be added, and this will give an opportunity for the accused to be represented by his counsel if he so desires. Sir, “counsel” is a term which is not applied to that class of lawyers who generally stand surety. Is it for the benefit of that class that the Magistrate should pass his orders of remand at the headquarters? Will my Honourable friend, sitting on the right of the Honourable the Mover, who also comes from the Punjab, say that this section should be amended? Probably he will oppose the Honourable the Mover, because the learned Magistrate must see the offender, hear the evidence; he has to hear also the police, he has to enter into the details of the whole case, and so it is not necessary that the counsel should be heard there. But if the accused person is so rich as to engage a counsel from the Punjab or even from Calcutta, as he says, he can certainly do so, because it is his pleasure. But, so far as the Magistrate is concerned, he is an official, he has to look to the administration of justice, and, therefore, in the interests of justice it is very desirable that he must see for himself things at first hand before he passes an order of remand, and, so it is incumbent on him to go anywhere or to the place where the accused is detained. Why should he be criticised by a Member of this House, like my friend, the Advocate from Lyallpur, who says that the order of remand should be passed only at the headquarters, because the pleaders are there who can stand surety for the accused? What is the object? I interpellated my friend only a few minutes ago when he was on his legs as to what were his reasons for putting forward such a suggestion. My learned friend sat down at once. Perhaps he wanted to hear reasons from me. I am very sorry, Sir,—and the reason would appear

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to be this, that he wanted to fill the pockets of his own friends, because he has not given any explanation as to why this particular section should be amended in the manner suggested by him.

Then, my friend suggests that sections 205 and 386 should also be amended, and, in making this suggestion, I think my friend has political motives in his mind. I should like my friend to clear up his mind as a lawyer, only for the sake of justice and nothing but justice. Let us forget for a moment the political bias. In the absence of sufficient evidence, the balance should hang not partially, but impartially. How can you suggest to the Magistrates to administer justice in a particular way in these political cases? That is not fair. It is for the Magistrates to come to any decision that they think fit, based upon the materials placed before them, and to pass such orders as they consider desirable. There is no use of quoting one case from I. L. R. 21, Madras, page 83, or from 4, Criminal Law, page 390. They are all misapplied and misquoted in support of the proposition that is brought forward by my friend here. My friend for the time being is drowning himself, he will have now to plunge into the water and come to the shore, when he will find that he has a lot of things to do for the good of the country and that the administration of justice should be absolutely impartial. He must leave things as they are for the present.

**Mr. C. K. Seaman** (Central Provinces: Nominated Official): If, Sir, in obedience to your ruling I endeavour to trace some of the underlying principles running through the miscellaneous clauses of the proposal now before the House, I find myself in some difficulty, for the very reason that they deal with so many disparate subjects; but, as far as I can see, the principles are two—one, as the Honourable Member on my right has said, distrust of Magistrates, or, I rather think, a disposition to assume that all Magistrates will always be unreasonable, and, secondly, a desire to increase the rigidity of the rules of procedure, and convert, what are intended to be guiding-lines, into bar-fetters. Both those principles, I submit, are misguided. So far as reasonableness of Magistrates is concerned, I think, if they were consulted from that point of view alone, they would be largely disposed to agree with my Honourable friend, the Mover, for, their personal preferences, I am sure, would prompt them to be quickly rid of what are known as section 30 powers. Speaking from my own experience, I can say that these cases are frequently an additional burden to an already hard-worked District Magistrate. I think all such Magistrates would be glad to be relieved of such cases, but that, after all, is not the point at issue. The point at issue is the administration of justice, and speed is an element,—one of the most important elements—in the administration of justice, and it will not, I think, be denied that disposal of the so-called section 30 cases by District Magistrates is rapid compared with the alternative procedure, and I cannot accept the proposition that it conduces less to justice in effect. Again, so far as personal predilections are concerned, the wishes of the Judges, to whom it is proposed that these cases should be transferred, might well be considered. I do not know whether they will be prepared to thank my friend the Mover, for his suggestion to add this work to their already congested files.

In his opening speech, I think the Mover referred to that old subject, the anomaly of a District Magistrate, who is also responsible for the law and order of his district, having anything to do with the judicial determination of cases. It seems hardly necessary to point out that in these

so-called section 30 cases he has nothing to do with them from the executive point of view. The prosecution is initiated in the ordinary way by the prosecuting agency, that is to say, the police. Speaking again from my own experience, I can only say that as far as my knowledge goes, he never hears of the case till it comes before him in the Court and he is as much in a position to dispose of it in a fair and judicial manner as any Sessions Judge can be. Moreover, it seems to be overlooked that in many of these cases, the section 30 Magistrate may be somebody other than the District Magistrate. It seems to have been assumed that the District Magistrate alone will exercise these powers. That, Sir, is not so in the province at least which I have the honour to represent in this House. In the district I last came from, there were three of my assistants who held these powers. In important districts, the heavier districts, the Deputy Commissioner's work is considerably relieved by these cases being given to experienced assistant magistrates. The argument, therefore, of the anomaly of the executive and the judicial function being combined in one man falls to the ground. And the moral of that is that the real remedy is not fewer section 30 Magistrates, but more.

**An Honourable Member:** Then spread them all over the country?

**Mr. C. K. Seaman:** Yes, everywhere.

The alternative suggested in my Honourable friend's proposal is one which, if I may say so, likely to command less confidence now than it would have three or four weeks ago before such publicity was given to certain remarks made in an authoritative quarter upon juries in some parts of the country. I do not think that it can be seriously contended that justice, real justice, will be served by the abolition of the section 30 powers of Magistrates.

Then, Sir, I need not quarrel with my Honourable friend about the use of the word "locality" or the word "vicinity". I have not brought with me my copy of the Oxford English Dictionary to find out exactly the difference in the shade of meaning, but personally I should have thought that "vicinity" was the wider word, "locality" being on the spot, and "vicinity" being near the spot. However, we need not go into that; that no doubt could be settled later. But I should like to remark—again referring, if I may, to my personal experience—that in the jungly districts of the Central Provinces it is not always easy to find two respectable persons in either the locality or the vicinity of a jungle, for instance, where an illicit still is being conducted.

**An Honourable Member:** Respectable?

**Mr. C. K. Seaman:** Respectable or not,—probably not. In many cases the illicit still, as the Honourable Member may no doubt be aware, is frequently a co-operative institution run by a whole village, removed some distance away into the jungle, and the only persons in the "locality" or "vicinity" are persons directly interested in the conduct of that still; and, in other cases, even where the offence is being committed in the village itself, the village may consist of two or three huts and the nearest inhabitants of the vicinity—I do not know where to draw the line for the meaning of vicinity—may be some miles away. Therefore, the



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attempt to make rigid what is now an implication of the section will defeat the whole object of the section and make it impracticable. The tendency which I notice in this clause and in other clauses is to make the Criminal Procedure Code not, as it should be, a means to an end, but an end in itself, a rigid ritual, something with a mumbo-jumbo magic virtue in it, failure to comply with which takes away all value from it. The High Courts have, for forty years or more, been struggling to free themselves from the uncomfortable implications of a strict interpretation of the Privy Council's ruling in Subramania Aiyar's case, reported in 25 Madras, I think.

An Honourable Member: Yes.

**Mr. C. K. Seaman:** Some more recent pronouncements have inspired in the minds of those of us who have to administer these criminal enactments some hope that we may achieve a greater freedom instead of a greater rigidity. I would strongly deprecate any proposal such as this, which would confine, cabin and restrict us in carrying out what is our object,—not the following of a programme or the performance of a rite, but the doing of justice between man and man. (Hear, hear.) As regards my Honourable friend's proposal to exclude a certain class of evidence which is otherwise perfectly legal, I did not catch from him any very strong grounds for putting that forward, but it seems to me to be a revolutionary and tyrannous proposal. That any evidence which is sound and can be proved by good testimony should be excluded seems to me to be putting not only an unfair burden on the prosecution in any particular case, but to be a breach of the commonest and the most fundamental principle of hearing both sides and deciding accordingly.

In regard to the proposals relating to the remand of under-trial prisoners, I can reinforce what my Honourable friend on my right has said. I should like to say that I have never known a case personally where the accused was not produced before the Magistrate for remand. I can say I have never known of a case where remand had been applied for or given without the man having been produced. As to the suggestion that the man may have complaints to make of ill-treatment, well, Sir, matters, such as that, are, in my own province certainly, and I make no doubt, in all other provinces, dealt with under the criminal circulars which lay down clear instructions as to what should be done if a prisoner makes allegations of ill-treatment or brings other matters to the notice of the remanding Magistrate requiring some investigation. In fact, even if such instructions were not embodied in those circulars, surely any Magistrate, who has any experience, has also sufficient reasonableness to see what the occasion demands. My Honourable friend is, I think, a legal practitioner, familiar with the maxim *Omnia rite ac solemniter peracta esse præsumenda sunt*: we must presume that everything has been done properly: there is too great a tendency to presume the opposite. If experience shows, as my Honourable friend's unfortunate experience seems to have shown him, in the Punjab at least, that Magistrates are not disposed to act reasonably and as the occasion demands, surely the remedy is to train the Magistrates and not to bind their hands and feet. More training, control and supervision—these, rather than a rigid code of instructions for every single contingency, are more likely to evolve a humane agency for doing justice.

As regards the question of imprisonment in default of fine, I would remind my Honourable friend that this is not an alternative penalty but a means of putting pressure on the accused to pay the fine and, at the same time, to save the administrative machine considerable labour, expense and time in recovering it by coercion. And it is not as though it was merely a matter of penalty: the question of compensation comes in. That fine may not be a fine: it may be a sum ordered to be paid to the wronged person. I might perhaps be allowed to quote what was almost the last case I tried under section 20, where a man was convicted of a wanton and grievous offence against a young girl. Without presuming to put any monetary value or price upon what she suffered, I did think it proper to order that she should be paid compensation out of the fine. I cannot think that there was anything in principle that could be said against putting pressure on the accused and ensuring that that sum should be paid, and I have not ceased to regret since that those efforts were infructuous. I cannot feel that justice has been fully done in that case, because the fine has not been recovered.

My Honourable friend has assumed that security cases will always be initiated by the District Magistrate. That may be so in the Punjab—I cannot say—but, again, if I may speak for my province, I can say that frequently, I think I might say generally, it is not so. The sub-divisional system is in force and Chapter VIII of the Criminal Procedure Code empowers Sub-Divisional Magistrates to initiate security proceedings and that, Sir, is usually done. The suggestion, therefore, that the District Magistrate should be disqualified from hearing appeals in such matters falls to the ground. But even if it were not so,—even if the District Magistrate has in the first instance sanctioned these proceedings being initiated, surely that commits him to nothing. Surely an officer of the experience and standing of a District Magistrate is able to take an unbiassed and unprejudiced view of the case when it comes before him in appeal. Because he was satisfied that there was a *prima facie* case for investigation, that does not bind him in any way to a final view that the respondent is a person to be bound over. He is perfectly capable of taking a dispassionate view when all the evidence on both sides is before him. I do not think that this proposal is one that has any urgency or necessity behind it.

And, finally, as regards these proposals regarding appeal. Behind the Code, as it now stands, there is a very definite principle—the principle of reducing congestion of work, making sure that the time of superior and hard-worked Courts shall not be taken up with petty matters. That, Sir, I submit, is a very salutary principle—a principle that might well be extended rather than restricted in the way my Honourable friend proposes. The effect of clause 11, if it is passed into law, would simply be to increase congestion in the upper Courts already over-worked—and congestion not with important matters, but with trivial cases where, even if a mistake has been made, no great harm has been done. I am often tempted to feel that if there were no appeals at all in any kind of case, the sum total of injustice done under human error would be no greater than it is at present. That may be rather an extreme view, but, at least, Sir, it cannot be contended seriously that every petty matter must go through a series of Courts whose business and proper function is to attend to matters of greater importance.

So, Sir, I would repeat what I began by saying—that the general principle of my friend's Bill seems to be to increase rigidity and to

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proceed upon the false assumption that all Magistrates will be unreasonable. I submit, Sir, that both those principles are incorrect and the Bill should, therefore, be opposed.

**Mr. Jagan Nath Aggarwal** (Jullundur Division: Non-Muhammadan): Sir, in deference to your ruling that we must discuss the principle of the Bill, I shall try my best to discover a principle and I am glad that I have discovered one. We have been treated to speeches on this section 30 and some other sections of the Criminal Procedure Code by gentlemen, white and brown, who have dealt with these sections and have administered these provisions and perhaps it would have been better if other people had showered encomiums upon those who administered them. They have chosen to do it themselves and, therefore, it is time that the other side was also put before the House. We have been told that section 30 is an admirable provision of law leading to rapidity of decision and to speedy justice. If it came from an Indian, I might tolerate it, but, coming as it did from an Englishman, I shall examine the proposition a little more seriously.

**Mr. K. Ahmed:** Why this distinction?

**Mr. Jagan Nath Aggarwal:** I shall presently tell my friend, Mr. Kabeer-ud-Din Ahmed, in particular. I see that the Home Member is leaving the House and so I shall reserve a part of my remarks till he returns. The point of this section 30 is that in certain provinces and in certain tracts of provinces, which are unfortunately known as non-regulation provinces and which are looked upon as fit for this kind of jurisdiction, certain Magistrates, including the District Magistrate, have got the power of awarding sentences up to seven years' imprisonment. Short of death and transportation, they can inflict any sentence up to seven years' imprisonment. Now, Sir, if that is a good rule, why does not Mr. K. Ahmed stand up and say that he wants it for Bengal. Why does not Mr. Ramaswami Mudaliar get up and say "We want it for Madras". Why does not Mr. Anklesaria get up and say "We want it for Bombay". It is very well and convenient for gentlemen like Mr. K. Ahmed to mutter something inaudible to this part of the House and say "Oh, it is very convenient", because it does not hurt him at all. It does not affect him.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City: Non-Muhammadan Urban): But I did not mutter anything at all.

**Mr. Jagan Nath Aggarwal:** I was speaking of Mr. K. Ahmed in particular. It does not affect him. He knows nothing about it. He has inflicted it on us and he goes on merrily thinking that something good has been done.

Now, let me just go into this matter of the provinces which have been treated in this extraordinary manner among which my province unfortunately comes first:

"In the territories respectively administered by the Lieutenant-Governors of the Punjab and Burma and the Chief Commissioners of Oudh, the Central Provinces, Coorg and Assam, in Sind, and in other parts of the other provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may, notwithstanding anything contained in section 29, invest the District Magistrate or any Magistrate of the first class, with power to try as a Magistrate all offences not punishable with death."

Well, Sir, at the first blush I will say that these appear to be untouchable provinces—hopeless tracts of the country! I ask, why this ring of inferiority about them? Whatever is good anywhere else—for Madras, Bombay and Bengal—is good for the Punjab and the other provinces. For these tracts you say there shall be section 30 Magistrates. Why? They are not hopelessly untouchable provinces!

**Mr. K. Ahmed:** Yesterday you contended that you were martial and very strong!

**Mr. Jagan Nath Aggarwal:** Then, for that reason, we should have different treatment? Has a martial race got to be treated in this differential manner? The first point then is that there is a ring of inferiority, a relic of the old days when there came to be this distinction between regulation and non-regulation provinces. What is the justification for it now? To tell us that "we have thus administered this section well" is neither here nor there. Even in the worst administrative system there will be some good, and that is no argument. Then the principle underlying it is that there must be uniformity of laws in this country and from that point of view there is no justification for this section. Coming to the criticism that this section is useful in dealing out speedy and sharp justice,—coming from an Englishman that looks strange. Sir, if speedy and fast justice is good, it should be good for the whole of India.

**Mr. K. Ahmed:** But you are a particularly strong people.

**Mr. Jagan Nath Aggarwal:** I am coming to that. Now, if it is good anywhere, it should be good for the whole country. Why have not the other provinces adopted it? Why has not the Home Member moved that this provision shall apply to the whole country? Let us now go further. We remember that sometime back in 1923, there was a Bill dealing with racial discrimination which was passed and the Criminal Procedure Code was altered, and one of the points taken was that the trial of Englishmen in India and Indians should be the same. What was the point? An Indian can be tried for any offence except murder by a Magistrate. In other provinces he can be tried without any jury excepting in certain cases with assessors.

**Mr. K. Ahmed:** No, no. Tried by his own jury.

**Mr. Jagan Nath Aggarwal:** I am coming to that. Well, Sir, this is so far as Indians were concerned. An Englishman has got the sacred right of trial by a jury and that is very lengthy. In this connection, let us recall the days of the Ilbert Bill agitation when Englishmen fought hard for that system of trial by a jury. Now, nobody could then say, "No, there shall not be such a system, we must have speedy trial, do not ask for any jury or assessor of any kind". Very well, then, unless Englishmen are now prepared to forgo the right of trial by jury and to be tried even by Magistrates of their own colour, but without jury, such a contention in the present case comes with very bad grace. The point here is one of principle. Are you going to allow the trial of serious

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offences involving sentences up to seven years' imprisonment to the unfettered discretion of an individual?

[At this stage, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Sir Hari Singh Gour.]

The point underlying it is that the District Magistrate or section 30 Magistrates are finally to try cases which ordinarily should go up ultimately to a Sessions Judge. If you are in any case going to perpetuate that, have it, I say, with the aid of assessors. But there is a point of distinction between the two,—in the one case the District Magistrate or those working under his orders are more amenable to police influence than the Sessions or the Assistant Sessions Judge. My friends opposite may be Sessions Judges or Assistant Sessions Judges. We give them credit for this, that their administration of justice will command a greater confidence and will inspire a greater confidence in the minds of the accused. Therefore, Sir, my point is that if you leave these things to be conducted by Magistrates under the District Magistrate or by the District Magistrate himself, they have greater opportunities of being influenced by police considerations or by executive considerations than the Sessions Judges, and that is a point which is respected by everyone. Therefore, Sir, I say that from this point of view the amendment proposed by my friend is a very modest measure tending towards equality of justice in all provinces, and the contrary arguments do not convince anybody apart from the argument advanced that this system has done well in practice. That is not the question. The point is one of principle and I do not see how anything that Mr. K. Ahmed may have suggested to the House may have altered the fact that for certain provinces only this extraordinary provision exists and it is time that such an enactment should be done away with.

**Mr. K. Ahmed:** Will you read the Statement of Objects and Reasons appended to the Bill which became law for these tracts?

**Mr. Jagan Nath Aggarwal:** What is the reason? Simply that otherwise it would take a lot of time. But, then, you can rule that if the number of crimes in certain areas goes up by leaps and bounds and beyond a reasonable percentage, this system may be in vogue by way of a punitive measure, but then that should be only by way of a punishment for certain things done, and it should not be sought to be justified by past events of history. Therefore, the principle underlying this part of the Bill is that you should have uniformity of laws, and unless something happens which can justify certain provinces being dealt with in a different manner, the administration of justice should be uniform.

**Mr. K. Ahmed:** But are they uniform people?

**Mr. Jagan Nath Aggarwal:** I need not say anything more, Sir. My friend knows that he certainly is not uniform. (Laughter.) He knows it, and we know it to our cost how law and order has got to be kept in his province, thanks to the doings of men like him. Sir, so far as the other provisions of this Bill are concerned, it is unfortunate that so many provisions have been lumped together in one Bill. I have no

serious quarrel with the provision differentiating between "vicinity" and "locality". My friend drew attention to there being readymade witnesses of a certain class, in which case the search lacks the element of trustworthiness. You want intelligent, trustworthy evidence to bear out the fact that certain things were found from a certain locality, in order to put it beyond doubt.

Then, Sir, there are other important questions involved in section 167, sub-section (7). One of the points my Honourable friend's amendment deals with is that this practice of remands at all kinds of inconvenient hours and without having the accused before the Magistrate or his pleader should be done away with.

Sir, there is a distinct point about this. Why should anybody go and say that it is a distrust of the magistracy. There is no distrust of the magistracy; it is the proper way of doing things. Look at certain provisions of the Evidence Act. In section 25, it is said that any confession made before a police officer shall not be produced in the Court. The Evidence Act starts with a distrust of the police. (Interruption by Mr. K. Ahmed). I am afraid, my friend has forgotten the Evidence Act and I shall have to make a present of it to him. My friend ought to know that no confession made before a police officer can be produced before a Court of Law.

**Mr. K. Ahmed:** Advocacy will not pay, Sir.

**Mr. Jagan Nath Aggarwal:** I am not prepared to give way to my friend. If he wants to make any constructive suggestion, I am prepared to listen to him, but I cannot help him if he makes these meaningless interruptions. The point underlying this section is that the Magistrate at present is at liberty to give an order at 12 o'clock in the night sitting quietly at his house and he can do so without the accused or his pleader being present. It has so happened that in certain cases a remand has been granted by a Court in the district of Lahore, when the period is going to expire by the Courts of the districts of Amritsar or Lyallpur. This kind of business has been going on for months and months, because the case was being taken up in various districts. This proposition is a very serious one. It is not a matter of the distrust of this man or that man. Surely the provisions of the Criminal Procedure Code are not so sacred as to be above any improvement. That is a proposition which has on many occasions been set right by moving the High Courts for a writ of *habeas corpus*. My friends forget that such occasions have arisen in the trial of cases of a political nature. I do not see what objection there can be if we ask that the remand shall be given by the Magistrate at the place where he ordinarily sits which would mean the place where he is working in Court hours. Where is the difficulty about it? We are told: You cannot go into an out of the way place and do this and that. Sir, this is not a very suspicious looking amendment. It only asks that a Magistrate will grant a remand only in his office hours. The real essence of a trial is that it should be conducted in the open Court where everybody has access to it. I do not think there is anything to be said against it. The other thing is that the remand should be given in the presence of the accused or his pleader. This, too, is quite harmless and I hope Government will accept it.

The amendment to section 205 is a formal one and I need not dwell upon it.

[Mr. Jagan Nath Aggarwal.]

Clause 9 raises a question of principle and a good deal can be said on both sides. If a man has suffered imprisonment, shall you make him pay the fine also? He has already suffered in body and if, afterwards, it is found that the man is able to pay his fine, you cannot ask him to pay. If he was able to pay, why did you not make him pay in the first instance? The object of the State should be not to keep people in the jail for a day longer than it can help it. It is from that point of view that the amendment is moved. I do not know, Sir, whether I should take more time of the House, but I would like to submit that there are several provisions in the Bill which have great merit about them and I commend them to the acceptance of the House.

**Mr. G. S. Dutt** (Bengal: Nominated Official): I am sorry, Sir, that the first non-official Bill that I have the misfortune to oppose should be that of my dear friend, Sardar Sant Singh. But, from my personal experience of the working of the Criminal Procedure Code, I find the provisions of this Bill to be of such an untenable character that I feel that I have no option but to oppose it. I have been at some pains, Sir, to find out the principles underlying the various clauses of this Bill as this is a stage at which it is the duty of this House to discuss the principles and not the details. I confess that I have had considerable difficulty in discerning the principles. My Honourable friend, Mr. Aggarwal, has admitted that he also feels a similar difficulty. I take it, however, that the one main principle that underlies this Bill is that my Honourable friend, Sardar Sant Singh, is very anxious to bring in certain amendments to the Code of Criminal Procedure and that he wants to do so at the earliest possible moment although it is evident that he has not given full consideration to the issues involved in his proposals.

Now, Sir, as one of the previous speakers has pointed out, one ought to exercise great circumspection before making suggestions for changes in an enactment of the magnitude and importance of the Code of Criminal Procedure which forms the foundation of the Law of Criminal Procedure in this country. The principle that the Government follow when a zealous officer sends up a sheaf of proposed amendments is to bring home to the officer the fact that, before bringing forward amendments to such a Code, one must give serious consideration to all its aspects. The Bill before us, Sir, transgresses this principle as I shall presently show. Let us first consider the proposed repeal of sections 30 and 34. There are certain areas in which the ordinary procedure of trial of serious cases by Sessions Judges is dispensed with and the Local Government has been authorised to empower District Magistrates and certain First Class Magistrates to exercise the power of Sessions Judges in these restricted areas. What is the principle underlying this? The principle is not that the Local Government wants to exclude the jurisdiction of the Sessions Judges from areas which ought to have trial by Sessions Judges. It is just the opposite. The Local Government

is allowed discretion to exclude areas which are not fit to have trials by Sessions Judges owing to their being not sufficiently developed from the point of view of education and from the point of view of availability of the necessary legal help. And, I think, it will be admitted by the Honourable the Mover and those who are of his point of view that there are certain areas like the Chittagong Hill Tracts and certain areas in Assam where education is not sufficiently developed and

where legal help is not sufficiently available to make those areas fit for the applicability of trial by Sessions Judges; and, it is in the interest of the accused and in the interest of administration of justice, and not in order to deprive the accused of the privilege of trial by Sessions Judges, that this salutary provision has been inserted in the Code. It will be a pity if this provision is taken away from the Code. It is only an enabling provision. It is not compulsory on the Local Government to dispense with trials by Sessions Judges in those areas even after they have been sufficiently advanced. My Honourable friend who moved this Bill proceeds on the assumption that the Magistrates who have dealt with cases in those areas have failed to deal properly with them. In the Statement of Objects and Reasons he says :

"in most cases the Magistrates in their zeal to show, what they term good disposal, hurriedly proceed with the trial with the result that a cool and calm consideration of the facts of the case is not possible," and so on.

This is a very serious charge, Sir, to level against "most Magistrates". I do not think my Honourable friend has any reasonable foundation on which to base a charge like this. Has he got any decisions of High Courts to support him?

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Does not the Honourable Member know that very often there are transfer applications made on that ground alone?

**Mr. G. S. Dutt**: My Honourable friend knows well that transfer applications are frequently made against Sessions Judges too, and not merely against Magistrates. And even cases decided by High Courts are often upset. Sir, it is only human to be fallible, and Magistrates do not claim infallibility as a class; but to go to the other extreme and accuse "most Magistrates" of proceeding to show good disposal by hurrying on "without cool and calm consideration" is wholly unfair and unreasonable. And yet that is the reason which underlies this amendment. I could understand it if my friend had said that these areas were properly developed and advanced now. My Honourable friend, Mr. Aggarwal, appears to have been cut to the quick because the Punjab is included in the list of backward areas. We know the Punjab has made great strides of late and Punjabis now regard themselves as a very forward people, which they are no doubt getting in many respects. But my Honourable friend, the Mover, does not go on that basis. One could understand him if he had said that these areas have now become politically and educationally developed, that there are now facilities for trial by Sessions Judges and for obtaining legal help and, therefore, these provisions are out of date with regard to those particular areas and so they should be excluded from the operation of this section. But that is not the standpoint of the Honourable the Mover. He wants to do away with the whole section, merely because he thinks Magistrates are not to be trusted with the trial of cases. Well, Sir, if you cannot trust your Magistrates to try cases fairly and equitably, then, on this principle, you should do away with the whole Criminal Procedure Code. That is not, I submit, Sir, the way to attack a provision of a Code, particularly a provision like section 30 which was enacted on very definite grounds which my Honourable friend has not even touched upon in his Statement of Objects and Reasons.



**Sardar Sant Singh** I do not want to interrupt my Honourable friend, but I should like to tell him one incident which will probably bring light . . . . .

**Mr. Chairman** (Sir Hari Singh Gour): Order, order; the Honourable Member can reserve that for his reply.

**Mr. G. S. Dutt:** The first province mentioned in section 30 is the Punjab. In the edition of the Code published by Government I find a footnote which says:

"These territories included, at the time the Code was passed, the territories which now form the North-West Frontier Province."

The implication is clear that it was not the whole of the Punjab which was meant to be excluded ordinarily from the jurisdiction of Sessions Judges, but certain backward areas in the Punjab frontier which were undeveloped. Those areas have also become more advanced now and they now constitute a Governor's province; and, I daresay, as soon as it can be shown that circumstances justify it, the Local Government will allow trial by Sessions Judges there too. I come from the province of Assam myself. I belong to the district of Sylhet and there is a Sessions Judge there. Thus the whole of Assam is not excluded from this privilege of trial by Sessions Judges. My Honourable friend said that accused persons charged with serious offences were not satisfied with trial by Magistrates in the areas in question, but he has not shown any authority or statistics on this point in his Statement of Objects and Reasons or in his speech. And he will, I hope, pardon me if I say that he has failed to grasp the principle on which this section was enacted. If he thinks that the Punjab has outgrown this section, his proper procedure is not to repeal the section itself, but to move an amendment asking for the removal of the word "Punjab" from this section. But one is inclined to suspect that the object of my Honourable friend is to have an increase in the number of Sessions Judges. Section 30 of the Code not only ensures speedy trial in serious cases in backward areas, but it also conduces to a great deal of economy by reducing the number of Sessions Judges in backward tracts. I do not deny for a moment, Sir, that Sessions Judges are able to give better justice in serious cases than District Magistrates. But, as I have already shown, it will be a waste of public money to provide Sessions Courts for areas which are not sufficiently developed to deserve trial by Sessions Judges. If my Honourable friend's principle is that we ought to have more officers of the standing of Sessions Judges, then this is obviously not the time, when we are having retrenchment in all directions, to come in with an amendment for an increased number of Sessions Judges for areas where their services are not really called for.

We now come to section 103. In dealing with the principle upon which the amendment is based, the Honourable the Mover objects to the word "locality" and he wants to replace it by the word "vicinity". Section 103 (1), with my Honourable friend's proposed amendment will read thus:

"Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the vicinity in which the place to be searched is situate to attend" etc.

Well, I have always understood the word "vicinity" to be a relative expression. My knowledge of English may be very limited, but it appears to me that unless you refer expressly to some object or place in the vicinity of which a place is situate, the word "vicinity" has no meaning whatever. You cannot say "I am sitting in a vicinity", but you may say "I am sitting in a place in the vicinity of something else". My Honourable friend, I think, had some sort of uncomfortable feeling that the word "vicinity" was not quite appropriate and so he said in his speech that if the word "vicinity" was not suitable, when the Bill goes to Select Committee, they might change it. But it is obviously not open to an Honourable Member to propose an amendment to an Act in admittedly inappropriate terms and then to leave it to the Select Committee to supply the correct amendment. The meaning of the word "locality" is perfectly simple. It means a local area in which a house to be searched is situate. The connotation of the local area is intentionally left elastic, because this would vary according to the circumstances of particular cases. You might have one house in the middle of a field. There might be a dacoity committed in that house, but there might be no houses within two miles of that field. In that case "vicinity" will have no meaning. Whereas "locality" or "local area" would include the nearest village two miles away. Let us consider for a moment what is the real principle underlying this section. When the Legislature enacted this section, what it had in mind was that the police officer, when he goes to make a search, should not take a man, say, from his thana or from his headquarters or from some other place which may be, say, 20 miles off. Therefore, the word "locality" is used. The witnesses, must be men from the local area. The local area may be an area of two yards, 20 yards, one mile, two miles or five miles radius. That will depend on the circumstances. If you go to search the locality of a criminal tribe and if you have to select your witnesses from the "vicinity" only, then you will have men of that criminal tribe alone, but you would not have independent witnesses from there at all. It is obvious that, you must leave some discretion to the officer in charge to take two respectable and trustworthy men from the local area where the house is situate and not tie up his hand by requiring that the witnesses must come from the neighbouring houses alone. It is obvious, Sir, that if my Honourable friend's suggestions were adopted, there would be great difficulty in the administration of the law.

Then, Sir, my Honourable friend, in his Statement of Objects and Reasons, makes the following statement:

"This has led to the view that failure to call inhabitants of the locality as witnesses does not make a search illegal",

and he quotes 21 Madras 83 in the support of this view. Well, Sir, I have got 21 Madras in my hand, and I fail to find any warranty for the above statement. This is what the ruling reported in 21 Madras says . . . . .

**Mr. Chairman** (Sir Hari Singh Gour): Order, order. The Honourable Member might leave 21 Madras alone and deal with the principle of the Bill.

**Mr. G. S. Dutt**: The ruling reported in 21 Madras does not justify the view put forward by the Honourable the Mover about "locality" in his Statement of Objects and Reasons. In this ruling the Honourable Judges have not, as represented by my Honourable friend, held that

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failure to call inhabitants of the locality as witnesses does not make a search illegal. They have only held that such failure does not necessarily expose the conduct of the police to suspicion or render the evidence of the search inadmissible—which is quite a different matter. This is what the judgment says:

“Section 103, Criminal Procedure Code, requires the officer about to make a search to call upon two or more respectable inhabitants of the locality in which the place of the search is situate to attend and witness the search. There is nothing in that or in any other section of the Code to justify the notion that the required witnesses are to be selected by any person other than the officer conducting the search. Assuming what is by no means clear that the witnesses to the search of the first and second prisoners' houses were not inhabitants of the locality, we do not think that that circumstance must necessarily expose the conduct of the police to suspicion, or render the evidence of the search inadmissible.”

It is thus quite clear that this does not bear out my Honourable friend's statement in the Statement of Objects and Reasons. This disposes of that portion of his argument.

Then, again, my Honourable friend says in the Statement of Objects and Reasons that the principle upon which he attacks this section is that—

“anything incriminating which may be found in the premises searched shall really be found and shall not be planted”.

I do not see, Sir, how the amendment which he proposes makes it any the more certain that anything incriminating which may be found in the premises shall really be found and not planted. He further says:

“The present amendment is intended to invalidate the search if not conducted strictly in accordance with the provisions of this section.”

Surely, if the search is not conducted in accordance with the provisions of section 103, it is invalid under the present law . . . .

**Sardar Sant Singh:** Under the present law it is not. There is a Full Bench case, 34 Madras 349—when a search has been conducted under section 103, evidence can be given regarding the things seized in the course of the search and regarding places in which they were respectively found, other than the list which the law in the section directs to be drawn up containing these particulars. ,

**Mr. G. S. Dutt:** That is quite a different matter. In any case, my Honourable friend has not mentioned that in the Statement of Objects and Reasons; he has only mentioned 4 Cr. L. J. This is something else. Apparently he has found that what he has quoted in the Statement of Objects and Reasons does not support him and he is, therefore, now turning to something else . . . . .

**Mr. Lalchand Navalrai:** Can he not go beyond it?

**Mr. G. S. Dutt:** He cannot expect me to anticipate what he has not stated. Then, as an Honourable Member on this side has pointed out, my Honourable friend the Mover, has not given any reason in support of his proposal to add a new sub-section to section 103.

[At this stage, Mr. Deputy President (Mr. R. K. Shanmukham Chetty resumed the Chair.)

I submit, that not only has he adduced no reason in support of this proposal, but the proposal itself is of such an extraordinary nature that I find it difficult to understand it. What was at the back of his mind when he proposes this amendment to add a new sub-section, namely, that "no evidence other than the list drawn up in accordance with the provision of this section shall be admitted to prove the articles discovered during the search"? What is meant by "proving the articles"? I suppose he means proving the discovery of the articles. But supposing that not merely the two witnesses taken by the police officer, but the people of the whole village turn up and, among them, there are respectable people, like the Union Board President or a Commissioner of a Municipality or the President of the District Board, are they to be excluded, because they are not in the list? Nothing but the list, says my friend: no evidence other than the list shall be admitted: therefore, not even the witnesses who have attested the list can be allowed to give evidence to prove the discovery of the articles. That is clear from the language of this amendment. But, even assuming these two witnesses are not excluded, why should other witnesses be excluded? There may be better witnesses present than those whom the police officer has brought with him. My Honourable friend himself may turn up: if there is a theft in his village, he might turn up when the house of the thief is being searched. Are we to exclude him from the list of witnesses, because of this provision? I submit, Sir, that it will reduce the whole thing to an absurdity. Take for instance, again, a case where a cow is stolen and the owner finds it in the accused's house and takes a police officer along with the witnesses, is that man also to be excluded to prove the fact that he found his own cow there? The fact is, Sir, my Honourable friend has rushed to amend the section in the manner proposed without sufficient thought, if he will pardon my saying so.

We come now to the next proposal and that is with reference to section 167 where there is an application for a further remand to police custody. Here also I find it difficult to understand the principle upon which the amendment is based. My Honourable friend seems to think there is a sort of magical potency attached to the place where the Magistrate usually holds his Court. No doubt the place is sanctified by the presence of pleaders and barristers; but surely the whole importance lies in the procedure, not in the place. His complaint is that when an accused is sent up, the Magistrate does not often record his statement, does not even see him. I entirely agree with my Honourable friend that if any Magistrate was guilty of such omission, he would be quite unjustified and it would be an abuse of the law. But what is the sanctity or potency attached to the place where the Magistrate usually holds his Court? If a Magistrate is irresponsible, he can be just as irresponsible in the place where he usually holds his Court: he may not have the accused brought before him even there. It sometimes does happen in ordinary cases in the course of trial that on a particular date of hearing, when the police ask for a remand, the accused remain in the *hajat*. It may be that the witnesses are not ready and the Magistrate passes an order although the accused are not brought before him in person. There is no miscarriage of justice there. But I agree entirely with the Honourable Member that cases where a remand to police custody is asked for stand on an entirely different footing—and that, before an order of remand to police custody is made the Magistrate ought to have the accused before him in person. But if the Magistrate is so irresponsible as not to do that, he would not be rendered more responsible merely by the fact that he happens to be sitting at his

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Court room and not in his house. Then, again, supposing the prescribed time under the law—24 hours—expires at midnight as it often happens: the poor Magistrates are knocked up at unearthly hours by the police who say "Here is a man whom we want to be remanded". Does the Honourable Member want the Magistrate to go and sit in his Court at midnight and pass a remand order? Would there be any special virtue in that?

**Sardar Sant Singh:** My Honourable friend forgets that 24 hours is the maximum limit granted to the investigating officer: he can come up within five or six hours.

**Mr. G. S. Dutt:** I am merely giving an illustration of what may often happen and then the whole thing will be reduced to an absurdity by having a rigid rule like the one he proposes. It is easy to draft an amendment of a law by taking paper and pen while one is sitting in a room in a town and one is apt to ignore or lose sight of grim realities. I would remind my Honourable friend that we are here dealing with cases which occur in the mufassil, miles and miles away: the accused might be miles away from the Magistrate; the police might be miles away; they send a man to the Magistrate from a far off place; the prescribed time expires, it might be at midnight, it might be on a Sunday or a holiday. My Honourable friend wants to make it compulsory in every such case, when an accused is produced for remand, that it does not matter where the Magistrate may be at the time, he should run to the place where he usually holds his Court, and sit there and pass the order. The place where the Court room is may be near or it may be far. It may be a holiday when the Court room is quite deserted; or it may be in the middle of the night. That does not matter: the Magistrate should be compelled to go and sit in the Court room and there pass his orders! Perhaps my friend is thinking that the mere fact of sitting in the Court room would change the character of the Magistrate. That is not what would happen. As I have said, if the Magistrate was so disposed he could do in his Court room exactly what he would do in his house. My Honourable friend further says that the accused must be actually produced before the Magistrate. That is a different thing and there I am at one with my Honourable friend. But what is the particular virtue in the Magistrate having necessarily to go to the place where he holds his Court? You may make the law as definite as you like, but, after having done that, you must trust your Magistrate; if you cannot trust him, then you may as well scrap the whole of the Criminal Procedure Code . . .

**Sardar Sant Singh:** Trust the Magistrate and have the law definite: that is exactly my proposition.

**Mr. G. S. Dutt:** I can understand my Honourable friend's proposal that the Magistrate must hear the accused: that is quite intelligible; it can be carried out and it is practicable and reasonable; and, if a Magistrate does not do so, he can be penalised, he can be brought to book by the superior Courts; but to compel him to go to an empty Court room, either in the middle of the night or on a holiday, is, it seems to me, to do a thing which has no rhyme nor reason behind it. So, I say, Sir, there is no reasonable principle upon which this Bill is based . . .

**Mr. K. Ahmed:** He should withdraw the Bill.

**Mr. G. S. Dutt:** Then, again, my friend suggests the addition of these words—"after hearing the accused or his counsel if the accused so desires" after the words "this section". Well, Sir, I certainly think that the Magistrate ought to hear the accused if the accused wishes to be heard, and I take it, Sir, that under the present law there is no bar to it. There have been numerous cases when the accused were taken before Magistrates and there they made certain allegations. We know of cases even in connection with the civil disobedience movement,—and my friend knows of them,—both in his own province or outside it,—where the accused were taken before a Magistrate where they made allegations, and the Magistrate made inquiries. There have been many such reported cases and some of the cases were discussed in the Legislature, but when my friend insists that the Magistrates should go and hear the accused even in an empty Court or on a holiday, I presume what is really at the back of his mind is that the accused should be given an opportunity to have their counsel or pleader to be present. Well, Sir, that is a very questionable matter at that particular stage . . . . .

**Mr. Lalchand Navalrai:** Is it a painful idea?

**Mr. G. S. Dutt:** I say it is open to question whether at that stage the Court should be bound to hear a lawyer if the accused so desires. It raises a matter of principle and I leave it to the House to decide.

Then, Sir, there is the proposal to amend section 205, about which I do not think I need say anything. That is not a very important matter in an omnibus Bill. But let us come to clause 9. Here my friend suggests the deletion of the words "unless for special reasons to be recorded in writing he considers it necessary to do so". In his Statement of Objects and Reasons he goes further and says "the amendment of section 386 is intended to do away with a hardship". And, what is that hardship? He proposes that if the Magistrate thinks that the accused is rich enough to pay fine, he should not pass a sentence of imprisonment in default of fine. That is to say, the Magistrate should first of all make an inquiry whether the accused is rich enough to pay a fine or not, and then only he should pass a sentence to that effect. In every case practically it implies that the Magistrate should make inquiry in the first instance whether the accused is rich enough to pay a fine, and, if so, how much fine should be imposed on him. It may be that the evidence may disclose that the accused is or is not well-to-do enough to pay a fine; but surely the principle upon which the sentences are passed is not merely whether the accused is able to pay a fine, but also whether, in view of the nature of the offence committed, a sentence of fine should be imposed and whether imprisonment should be inflicted in default of payment of a fine or whether there should be imprisonment imposed in addition to fine. I think, Sir, it will be entirely unreasonable to expect a Magistrate, before passing a sentence, to inquire in every case whether the accused is rich enough to pay a fine. As an Honourable Member on this side of the House pointed out, even if an accused is rich enough to pay a fine, he does not always pay it; he often evades payment, and my friend would have it that in such cases, as soon as he has served the sentence of imprisonment, he should be exonerated from the liability to pay the fine. What would happen in such case, to the aggrieved party to whom the Court has ordered compensation,—I would ask my friend to tell me. I believe he is a lawyer . . . . .

**An Honourable Member:** Why do you say you believe? He is a lawyer.

**Mr. G. S. Dutt:** Very well. I would then ask my friend, who is a lawyer, to take the case of his own client; to take the case, say, of a poor woman whose house has been burnt and property destroyed. The Court orders a fine of Rs. 500, out of which Rs. 200 is to be paid as compensation to the poor woman. Supposing the wrong-doer elects to undergo imprisonment instead of paying the fine. Such cases often occur; they do not come merely out of my conjecture. In such cases in which the accused deliberately evades payment of the fine and elects to undergo imprisonment, there will be a serious miscarriage of justice. If, afterwards, the accused undergoes imprisonment in default, the Magistrates would have no discretion to order the realisation of the fine. Here the present section merely gives a discretion to the Court, and, to remove that discretion will, I think, be highly undesirable . . . . .

**Sardar Sant Singh:** Why should there be a double punishment?

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): You don't consider that it is a double punishment.

**Mr. G. S. Dutt:** Then, Sir, coming to section 406, I have very little to say. I have experience of Bengal where all appeals in security cases are heard by Sessions Judges. It may be that there are special circumstances in the Punjab which make it desirable to empower the Local Government to exercise a discretion and empower District Magistrates to hear such appeals. I do not think that my friend has cited any instance in which this discretion has been abused or there has been any miscarriage of justice. But when my friend suggests the wholesale repeal of sections 412, 413, 414 and 415, his argument appears to be on a par with his proposal for the wholesale repeal of section 30 with which I have dealt in some detail.

I think, Sir, I have taken enough time, and I do not propose to take any more time of the House, but I should say this, that when you propose the wholesale repeal of a section of an Act, and, particularly, of a law of such solemnity as the Criminal Procedure Code, you must be armed with better reasons than you have revealed in the Statement of Objects and Reasons which shows evidence of having been very hurriedly drawn up by my friend in the midst of other pre-occupations, judged by the way in which it is worded. Now, his reason for suggesting the wholesale repeal of these sections is very simple, that it wastes the time of the two highest tribunals. This is exactly what it does not, but what will exactly happen if my Honourable friend succeeds in getting these sections repealed. If my friend has his way in repealing these four sections, the numerous appeals filed will very much waste the time of the two highest Courts, the Sessions Court and the High Court. What is the principle. I ask my friend, underlying these four sections 412 to 415? Let us consider them for a moment. Section 412 simply provides that there will be "no appeal in certain cases when the accused pleads guilty",—my friend would not accept it, and he will say "you must have an appeal in every one of these cases"—even in cases "where an accused has pleaded guilty and has been convicted by a Court of Session". My friend has hitherto shown a great distrust of District Magistrates only and not of Sessions Judges, but here apparently he will extend his distrust to the Court of Session. He has refrained from extending his distrust to the High Court, perhaps because its result will be rather inconvenient. My friend does not trust such an exalted authority

as the Sessions Court. He will not have even the Sessions Court—let alone District Magistrates and First Class Magistrates—pass a sentence of imprisonment which is non-appealable. It is very right that the time of the highest tribunals should not be taken up with petty cases unless there are very exceptional reasons. When such reasons exist, there is already a provision to move the High Court by way of revision of orders in such cases. I feel sure that very few Honourable Members will come forward to support clause 11. The sections which are proposed to be repealed are salutary and do prevent the wasting of the time of the higher Courts which is the very principle upon which my Honourable friend has proposed this clause. Section 413 says:

“Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which a Court of Session passes a sentence of imprisonment not exceeding one month only or in which a Court of Session or District Magistrate or other Magistrate of the first class passes a sentence of fine not exceeding fifty rupees only.”

My Honourable friend says in his Statement of Objects and Reasons:

“Similarly section 413 has given rise to fantastic results. A Sessions Judge can remit a fine without a limit, but in cases where the fine is less than Rs. 50, and he is of opinion that the conviction is not justified, he must recommend remission of fine to the High Court.”

Now, Sir, this section, as I have already observed, deals only with very petty cases. It only provides that in petty cases where the Sessions Judge himself has passed a sentence of not more than one month in a summary mode, there should be no appeal, and, where a lower Court has passed a sentence of small magnitude, the Sessions Judge can move the High Court in his discretion. There will be no right of appeal *ipso facto*. There is nothing fantastic about it. It merely guards against the wasting of the time of higher Courts by indiscriminate appeals. Therefore, my Honourable friend's statement of principle entirely falls to the ground. Similarly, section 414 bars appeal from certain summary convictions in petty cases. It says:

“Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in any case tried summarily in which a Magistrate, empowered to act under section 260, passes a sentence of fine not exceeding two hundred rupees only.”

Obviously this is a very salutary section which should not be repealed.

We are left lastly with section 415. It says:

“An appeal may be brought against any sentence referred to in section 413 or section 414 by which any two or more of the punishments therein mentioned are combined . . .”

This section, of course, depends on sections 413 and 414. If they are repealed; then section 415 goes.

I think I have shown, Sir,—although I have taken a great deal of the time of the House—and I apologise for having done so, but I felt that there was a great deal to be said — I think I have shown that we should not hurry with a measure of this kind, in which provisions of great importance have been tackled in such a summary fashion without having regard to the principles upon which the Legislature, after mature consideration, passed these sections which have stood the test of ages and which were examined last in 1923. I submit to the House that we should not go on with such piecemeal amendments, but that we should reserve the amendments, if they are required in any particular item—it may be some of them require amendment. There may be no objection to some:



[Mr. G. S. Dutt.]

of the minor clauses of the Bill of my Honourable friend, but I have shown that the main provisions of the Bill need further consideration and that such questions should be dealt with in a Bill drawn up after mature consideration as an amendment to the entire Act and not in such piecemeal fashion unless there is any very great urgency which makes an amendment imperative. No such urgency has been shown to exist in the present case. I, therefore, oppose the motion.

**Some Honourable Members:** Let the question be now put.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official): I oppose the Bill. The last speaker has very lucidly and splendidly explained its defects. The Bill is very badly worded and it is full of ambiguities and absurdities. What my Honourable friend has stated in his Statement of Objects and Reasons goes against the Bill and the defects have all been exposed. But there is one other aspect of this Bill. It strikes me that the Honourable Member has perhaps produced this Bill with the idea of helping the political agitators or those who carry on the propaganda of civil disobedience. My Honourable friend knows very well that in the last Session we passed the Ordinance Bill, and, in order to remove its effect, he has been trying to have this Bill passed and facilitate the actions of those persons against whom the Ordinance Bill was passed in the last Session. I, therefore, oppose this motion.

**Some Honourable Members:** Let the question be now put.

**Mr. S. C. Mitra:** I support the motion of my Honourable friend, Sardar Sant Singh, for referring this Bill to a Select Committee, and I think that my Honourable friend, Mr. G. S. Dutt, in his elaborate speech, also supported the same idea. I did not hear his last sentence, but all I could gather was that he thought that there should be a comprehensive amendment and not by dribblets.

The main argument against the Bill was, as I understood it, that there was no one principle underlying this Bill. That is the main complaint. In an amending or repealing Bill I have still to learn that there must be one main principle. The Honourable the Law Member will shortly, I think, bring in a Bill for amending and repealing some enactments. It is strange that all the official luminaries and their friends should expect to find only one principle in that amending Bill also. I thoroughly agree that it would have been better if some of these provisions in the present Bill could be introduced separately, but those who know the difficulties of the non-official Members will realise how many chances they have got in the whole course of their non-official career of three years to pass non-official legislation. If my Honourable friend has to wait to bring in these amending clauses separately by different Bills, he should have to wait till the Greek Kalends. During all these years only my Honourable friend, Diwan Bahadur Harbilas Sarda, has been fortunate enough to have his Marriage Bill passed. Therefore, from practical expediency, it is sometimes necessary for non-officials in an amending Bill to provide for sections that may not deal with only one principle. I think I have said sufficiently enough to show that it is not possible ordinarily to have one principle in an amending Bill. This Bill is of the nature of an omnibus Bill dealing with several principles. But, if that was the main argument

against this Bill, and, as my Honourable friend. Mr. G. S. Dutt, has admitted that some of the present sections cause inconvenience and hardship—there is an admitted necessity for bringing forward amendments to the Indian Penal Code and the Criminal Procedure Code . . .

**Mr. G. S. Dutt:** Not by the provisions of this Bill.

**Mr. S. C. Mitra:** These would not stand in the way. In the Select Committee, necessary alterations may be made. I think the House will remember how many times the Honourable the Home Member comes in with amending Bills to tighten up some section or other. The Commerce Member also, only the other day, brought forward amendments to the Railway Act. So, Government also bring in these amendments by dribblets. The argument that this Bill has no general principle is worthless. If some principle must have to be shown, then it is that there have been abuses and mis-uses of some of these sections and the principle is to amend them. My friend, Mr. G. S. Dutt, said he did not know whether Sardar Sant Singh was a lawyer or not. I may tell him that he is a practising lawyer with a big criminal practice in the province of the Punjab and, in connection with his daily practice in Courts, he has found practical difficulties and hardships in the way of his clients under these sections. It is not from a theoretical standpoint that he is speaking. I don't know whether Mr. Kabecr-ud-Din Ahmed has any criminal practice at all. I would appeal to my friend, Mr. Jagan Nath Aggarwal, not to take my friend from Bengal so seriously that Bengalees or the Bengulee Members generally desire that there should be a discrimination between the Punjab and other provinces in the matter of the administration of these laws. We do not want any distinction either in the Punjab or Baluchistan or the North-West Frontier Province. We want the same law to be administered everywhere. Mr. Jagan Nath Aggarwal made it perfectly clear that if there was criminality in a certain part of the country which required special treatment, then you can say that there should be provision for speedy trial and some of these sections should be applied, but that is no reason why an advanced province like the Punjab should be treated as a non-regulation province and the District Magistrate should have power to pass a sentence of seven years or so.

Now, I shall deal with some of the main clauses of the Bill. I will deal with section 7 first. Under the existing provisions of law, the accused are not required to be presented before a Magistrate in open Court or in the presence of lawyers. I am not drawing here any picture from my own imagination. I shall deal with it purely from a political standpoint, and, I can say from my own experience, that in almost every political case the accused are first kept in the custody of the police. It is not only in one or two cases, but this happens in innumerable cases. There they are tortured by the police. These under-trial prisoners are never brought before a Court when the Court is sitting. On another occasion in this House, I have narrated what they do. They send up some papers to the Magistrate to be signed in his home, they get the case remanded for another seven days or 15 days. As I narrated on the previous occasion, I have had personally to wait for the accused to be brought in till after dusk. This was the case of my own nephew in a political case. I waited till five and all lawyers went home. All the Court rooms were vacated at Alipore. Then the Magistrate had a phone from the C. I. D. and the case was brought on at half past five. There was not a single man left

[Mr. S. C. Mitra.]

in the Court room. I do not like to go into the details of this case again. He was tortured by the police. The case was remanded and he was not allowed even to give a description of the torture to the Magistrate who told him to write to him later on. The Magistrate said that he should be sent to the jail lock up and not to the police lock up. Immediately after that I read in the papers that he was brought under the Criminal Law Amendment Act. There was no trial and nobody could meet him and he had no opportunity of making any allegations against the police. In innumerable cases, allegations have been made of police torture while under custody. There was no opportunity given to these under-trial prisoners to prove these cases of allegation of torture by the police. British sovereignty in India rests on real justice and not on the apparent strength of the executive who ride rough shod over all these laws and rules. In innumerable cases there have been allegations that while these under-trial prisoners were in police custody they were tortured. I ask the House, in all seriousness, where is the opportunity for these people to bring these facts to the notice of the Court? They are not brought to the Court during trial hours in the presence of lawyers. This is a very salutary rule to produce accused persons in open Court, for which my friend, Sardar San Singh, has brought forward this Bill. It is not, as Mr. G. S. Dutt thinks to his inconvenience the Magistrate that this alteration is wanted.

**Mr. G. S. Dutt:** I never said so.

**Mr. S. C. Mitra:** It is the business of the District Magistrate to attend from 11 to 5, the official hours, and why should Government fight shy of this provision?

**Mr. G. S. Dutt:** On a point of personal explanation. I never said that this would put the Magistrate to any inconvenience. I said it will not be of any use to the accused.

**Mr. S. C. Mitra:** If my exposition will not convince him, then nothing will convince him. He has no option but to support this Bill. So I leave him there. (Interruption from Mr. K. Ahmed.) I have also failed to convince Mr. K. Ahmed as he is determined not to be convinced.

**Mr. G. S. Dutt:** My Honourable friend is misrepresenting what I said. Am I not entitled to give a personal explanation?

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The Honourable Member is entitled to give a personal explanation, but not an exposition of what he said in his speech.

**Mr. S. C. Mitra:** Now I shall turn to another section. That is about the provision under the present procedure to realise the fine even after the accused had undergone a period of sentence in default of payment of fine. I have heard strange arguments from the opposite benches. Do they not see any inconsistency in their position? Fine is considered as a lesser kind of punishment than imprisonment. Now, failing to pay the fine, the man has to undergo imprisonment. When he suffers

5 P. M. the whole period of imprisonment, the man is released. What is this principle of equity and justice of the great Magistrates—who are

occupying the back Benches in this House,—to uphold that this poor man, who has undergone in this way a severer kind of punishment, to realize from him again the whole amount of the fine, where is the justice, I ask, in all earnestness? Of course, with some of my friends they have no option, but to support anything that comes to be put forward by the Government. That argument is certainly conclusive from that standpoint. Otherwise, that any man with any sense can uphold such a doctrine that in spite of the man suffering a more severe kind of punishment, when he comes back, after a year or so, he should be compelled to pay the whole amount of the fine, is absurd and most unjust. Sir, I think the Government should still consider whether such a procedure should be allowed to be continued and whether such an absurd section should be maintained in the permanent Statute-book of this country.

**Mr. K. Ahmed:** Possibly that will not be applicable.

**Mr. S. C. Mitra:** Sir, as I have said, the motion is not for final consideration, it is for reference to a Select Committee. If there is any inconsistency, or if it is not possible for the House to accept all the suggestions made here, in the Select Committee certainly they can make necessary changes. In those cases where perhaps even Mr. Dutt agrees that there is real hardship, Government might accept those clauses or, if necessary, amend them in a way acceptable to Government, but that is no reason why, in an amending Bill, because my Honourable friend, Sardar Sant Singh, is said to fail to show them the one principle underlying all these provisions, it should not be referred to a Select Committee. With these words, I support the motion.

The Assembly then adjourned till Eleven of the Clock on Monday, the 13th February, 1933.



## LEGISLATIVE ASSEMBLY.

*Monday, 13th February, 1933.*

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The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

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### STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Harry Haig** (Home Member): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 1295, asked by Pandit Ram Krishna Jha on the 21st November, 1932; ,
- (ii) the information promised in reply to part (b) of starred question No. 1076 asked by Shaikh Fazal Haq Piracha on the 9th November, 1932;
- (iii) the information promised in reply to starred questions Nos. 504, 155 and 440 asked by Lieut.-Colonel Sir Henry Gidney, Sardar Sant Singh and Mr. S. C. Mitra on the 24th February, 8th September and 19th September, 1932, respectively; and
- (iv) the information promised in reply to supplementary question to starred question No. 89 asked by Mr. Gaya Prasad Singh on the 2nd February, 1933.





POSITION OF ATTACHED OFFICE CLERKS FOR APPOINTMENTS IN THE LOWER  
DIVISION OF THE IMPERIAL SECRETARIAT.

\*1076. (b) Ten candidates who were holding permanent appointments in the Meteorological Department were declared qualified for the Lower Division Secretariat as a result of the Staff Selection Board's examination held in 1920. Of these five have been provided in the Government of India Secretariat in the Lower Division.

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## CASE OF SRIMATI SAVITRI DEVI.

\*89.

## IN THE HIGH COURT OF JUDICATURE AT LAHORE.

REVISION SIDE. CRIMINAL.

No. 1183 of 1932.

*Present.*

Mr. Justice Jai Lal.

Petition under section 439, Criminal Procedure Code, for Revision of the order of Al Isar, Esquire, Additional District Magistrate, Delhi, dated the 8th July, 1932, convicting the petitioner Mussammat Somitran Devi, Convict-Petitioner.

*versus*

The Crown. Respondent.

Charge :—Under section 17(1), Criminal Law Amendment Act.

Sentence :—Six months' Simple Imprisonment and Rs. 50 fine or one and a half months' further simple imprisonment in default.

Petitioner :—By Mr. R. L. Anand II, Advocate.

Respondent :—By Mr. Ram Lal, Assistant Legal Remembrancer.

*Judgment.*

The petitioner has been convicted under section 17(1) of the Criminal Law Amendment Act and has been sentenced to six months' simple imprisonment and also has been ordered to pay a fine of Rs. 50 or in default to suffer further simple imprisonment for a month and a half.

I have heard counsel, but am not prepared to interfere on revision so far as the conviction of the petitioner is concerned. I consider, however, that the sentence awarded by the Magistrate is excessive and the reasons given by him for awarding a severe sentence are wholly indefensible. In fact the learned Assistant Legal Remembrancer who appeared for the Crown before me frankly stated that he could not defend the ground on which the Magistrate professes to award a severe sentence. The ground in the words of the Magistrate is as follows :

"She belongs to a family the members of which have always taken an active part against Government and it is futile to send her to jail for a shorter term."

The petitioner is entitled to be judged with regard to her guilt or otherwise as well as her sentence according to her own conduct and the antecedents of the other members of her family are wholly irrelevant to the question either of conviction or of sentence—a rule which even a layman ought to be aware of, not to speak of a Magistrate. This is said to be the first offence of the petitioner and I consider that the sentence of imprisonment already undergone by her would, under the circumstances, be ample punishment for her offence. She has been in jail for nearly 2 months. The sentence of fine was unnecessary in this case and is hereby set aside. The petitioner is discharged from her bail bond.

(Sd.) JAI LAL,

Judge.

30th November, 1932.

**The Honourable Sir George Schuster** (Finance Member): Sir, I lay on the table the information promised in reply to starred question No. 1662 asked by Mr. S. G. Jog on the 12th December, 1932.

**RE-INSTATEMENT OF MR. DAULAT RAM, ACCOUNTANT OF THE HORTICULTURAL DIVISION, DELHI.**

\*1662. Mr. Daulat Ram was discharged in the Horticultural Division case, while Mr. Edge was discharged in the Barakhamba case which has not yet been decided. Mr. Daulat Ram was selected for retrenchment with effect from 1st February, 1932, on reduction of establishment and Mr. Edge is now under notice of discharge for the same reason. The distinction in their treatment is due simply to the fact that the one was earlier found to be superfluous to establishment than the other.

**Mr. A. G. Clow** (Government of India: Nominated Official): Sir, I lay on the table the information promised in reply to supplementary question to starred question No. 1523 asked by Mr. Jagan Nath Aggarwal on the 30th November, 1932.

**INDIANS TRAINED AS GROUND ENGINEERS IN ENGLAND.**

\*1523.

*List of Ground Engineers holding Indian Licences who are employed in Flying Clubs in India.*

| Name of Club.   | Number of Ground Engineers employed. |
|---|--------------------------------------|
| *Karachi Aero Club . . . . .                            | 1                                    |
| *Bombay Flying Club . . . . .                           | 2                                    |
| *Delhi and U. P. Flying Club (Delhi Centre) . . . . .   | 3                                    |
| Delhi and U. P. Flying Club (Lucknow Centre) . . . . .  | } 2                                  |
| Delhi and U. P. Flying Club (Cawnpore Centre) . . . . . |                                      |
| *Bengal Flying Club . . . . .                           | 2                                    |
| *Madras Flying Club . . . . .                           | 2                                    |
| Kathiawar Flying Club . . . . .                         | 1                                    |
| Jodhpur Flying Club . . . . .                           | 1                                    |

*Note.*—All Clubs employ, in addition, unlicensed mechanics.

It is not possible to say precisely how many Ground Engineers a Flying Club is capable of employing. Their needs vary with their activities. An average Flying Club could carry out its operations with one Ground Engineer assisted by unlicensed mechanics.

\*Subsidised Clubs.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, I lay on the table:

- (i) the information promised in reply to supplementary question to starred question No. 1227 asked by Mr. B. Sitaramaraju on the 16th November, 1932; and
- (ii) the information promised in reply to starred question No. 1299 asked by Mr. Bhuput Sing on the 21st November, 1932.

#### APPOINTMENT OF INDIAN TRADE COMMISSIONERS.

\*1227. There are two posts of Indian Trade Commissioners at present and both are held by Indian Civil Service officers.

#### RETRENCHMENT IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

\*1299. (a) Yes.

(b) Both by reduction of pay and by discharge.

(c) The ratio of reduction varies with the classification and salary of the officer. Generally the following principles were applied:

Officers on deputation from India to the High Commissioner's staff suffered the usual ten per cent. cut prescribed for Indian services. The pay of other officers was reduced in accordance with the scale of reduction imposed by His Majesty's Government on similarly paid staff serving in offices under their control, namely, officers on inclusive salaries had rates of reduction applied varying from ten per cent. in the case of salaries of £1,000 and over to approximately 3 per cent. in the case of salaries or wages of less than £200 a year. Officers whose salaries included a fluctuating bonus element governed by arrangements prescribed from time to time by His Majesty's Treasury suffered a reduction by one-eleventh of the variable portion of their remuneration specifically imposed as a measure of economy.

(d) and (e).

|                             | No. serving on 1st April, 1931, prior to retrenchment. | No. retrenched between 1st April, 1931 and 1st January, 1933. |
|-----------------------------|--|---|
| Europeans . . . . .         | 576  | 56  |
| Hindus . . . . .            | 37   | 6   |
| Muslims . . . . .           | 4  | ..  |
| Others—                     |  |   |
| Anglo-Indians . . . . .     | 13   | ..  |
| Burmese . . . . .           | 2  | ..  |
| Indian Christians . . . . . | 13   | 5   |
| Jews . . . . .              | 1  | 1   |
| Parsees . . . . .           | 2  | ..  |
| Sikhs . . . . .             | 1  | ..  |
| Total . . . . .             | 649  | 68  |

(f) The financial position of Government. Retrenchment was undertaken with a view to effect economy in expenditure.

(g) Yes. As a result of the voluntary offer made by the High Commissioner himself, he has suffered a cut of 10 per cent. in his salary. The Deputy High Commissioner, heads of departments in the High Commissioner's office and others have suffered reductions as indicated in reply to part (c) above.

**Mr. H. A. F. Metcalfe** (Foreign Secretary): Sir, I lay on the table the information promised in reply to starred question No. 1140 asked by Dr. Ziauddin Ahmad on the 14th November, 1932.

#### HIRING OF CONVEYANCE BY INDIAN PILGRIMS AT MECCA.

\*1140. (a) Yes. The transport of pilgrims in the Hejaz is under Government control and all arrangements for hiring conveyances must be made by the mutawwifs or their agents.

(b) The charges for the hire of all conveyances, whether motor-car, 'bus, or camel, are fixed by the Saudi Government before each Pilgrimage season and published in their official tariff. Any charges in excess of the published tariff should be reported to the authorities concerned.

(c) No intervention by the Government of India or the Haj Committee is considered necessary.

**Sir Thomas Ryan** (Director General of Posts and Telegraphs): Sir, I lay on the table the information promised in reply to starred question No. 1610 asked by Mr. M. Maswood Ahmad on the 7th December, 1932.

#### MISAPPROPRIATION CASES OF POSTAL OFFICIALS IN THE PUNJAB POSTAL CIRCLE.

\*1610. (a) (i) 115.

(ii) 103.

(iii) 77.

(iv) 19; in addition five absconded, one died while the case was under trial, and one before the case was taken up.

(b) No.

(c) and (d). Do not arise.

(e) Yes, except in a few cases in which an application for the revision of the court's judgment was filed, or criminal proceedings for other offences committed by the accused were pending, or departmental action for neglect of duty had to be taken. As regards the last part, there are no specific rules, but reinstatement normally follows an acquittal in the absence of special reasons to the contrary.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

(i) the information promised in reply to starred question No. 1556 asked by Bhai Parmas Nand on the 5th December, 1932;

- (ii) the information promised in reply to unstarred questions Nos. 166, 167 and 168 asked by Raja Bahadur G. Krishnamachariar on the 30th September, 1932; and
- (iii) the information promised in reply to starred question No. 850 asked by Mr. Uppi Sahib Bahadur on the 29th September, 1932.

#### REDUCTION IN THE EMOLUMENTS AND IN THE NUMBER OF TRAFFIC INSPECTORS.

\*1556. (a) There has been no reduction in the emoluments of Traffic Inspectors but one post has been held in abeyance.

(b) No. Further reduction in number would be prejudicial to economy and efficiency. Traffic Inspectors are liable like other staff to the 10 per cent. cut in their pay.

The number of Traffic Inspectors employed on the North Western Railway is given below :

| Indians. | Anglo-Indians. | Europeans. |
|----------|----------------|------------|
| 13       | 10             | 20         |

#### GRADE OF STATION MASTERS ON THE NORTH WESTERN RAILWAY.

166. The Agent of the North Western Railway reports that the information asked for is as follows :

(a) Yes.

(b) 1st April, 1920.

#### PROMOTION TO HIGHER GRADES OF INDIAN GUARDS AND STATION MASTERS ON THE NORTH WESTERN RAILWAY.

167. (a) Government are informed that no particulars are available for the period from the 1st April, 1920 (when the present grades of Station Masters were introduced) to the end of 1924. From 1925 to date three Indian Station Masters have been promoted to Grade IV and one Guard. No Indian Station Masters or Guards have been promoted as Station Masters Grades V to VIII during that period. As regards vacancies in Grade V, these are filled by promotion from the Assistant Station Masters' Grade V, 23 vacancies in which grade were filled in the period named by Guards, because the duties of such Assistant Station Masters involved constant out-door work, knowledge of yard shunting, and regular night duty. Vacancies in the Grades of Station Masters VI to VIII are usually made from the next lower grade.

(b) There are no vacancies at present in any of the Station Masters' grade.

(c) There are no Station Masters of lower grade or Guards officiating at present in the IV to VIII Grade of Station Master.

(d) No. The Agent, North Western Railway, reports that many Indian Station Masters with long service are not promoted to the higher grades of Station Masters as they have not had experience of the duties of guards or a knowledge of shunting work in large yards, which knowledge is considered necessary for the posts of Station Masters at the larger stations. Government are also informed that Indian Station Masters with long experience at road side stations generally prefer to remain at road side stations rather than proceed through the normal channel of promotion to the higher ranks which, as explained in answer to part (a), is through Grade V Assistant Station Master, a grade which involves experience of shunting work in a large yard (such as a road side Station Master does not possess), constant movement about a large station for the purpose of duty, and regular night work.

**PROMOTION OF STATION MASTERS AND GUARDS TO CERTAIN SUPERIOR TRAFFIC POSTS ON THE NORTH WESTERN RAILWAY.**

168. Government are informed as follows :

(a) There are at present no vacancies in any of the categories detailed in this question.

(b) Vacancies in the grade of Traffic Inspectors have been filled by Station Masters Grade III and below, and by Guards since 1926 as follows :

|   |   |
|---|---|
| By Station Masters, lower grade . . . . . | 7 |
| By Guards . . . . .                       | 1 |

As regards the posts of Chief Controllers and Deputy Controllers no direct promotions have been made from either lower grade Indian Station Masters or Guards. There are, however, 9 Chief Controllers, and 19 Deputy Controllers, who have put in service on the Railway as Guards.

As regards Assistant Controllers confirmed since 1926 the position is given below :

|  |    |
|--|----|
| Promoted from Station Masters, lower grade . . . . . | 7  |
| From Guards . . . . .                                | 41 |

The reason why appointments in a Control Office are usually given to men who have had Guards' experience, is because Controllers are required to have special knowledge of various sections of the line, shunting work, loads of trains, engine capacity, brake power, duties of Guards, and running conditions generally, items of knowledge, which a Guard must necessarily acquire during his service.

(c) The Agent of the North Western Railway reports that the holders of these posts on that railway are as follows :

| —                               | Indians. | Anglo-Indians. | Europeans. |
|---------------------------------|----------|----------------|------------|
| Traffic Inspectors . . . . .    | 11       | 10             | 20         |
| Chief Controllers . . . . .     | ..       | 2              | 3          |
| Deputy Controllers. . . . .     | ..       | 4              | 12         |
| Assistant Controllers . . . . . | 17       | 9              | 29         |

**APPOINTMENT OF EUROPEANS TO SUPERIOR MEDICAL SERVICES IN THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.**

\*850. (a) Yes.

(b) Yes.

(c) Since the year 1925 two officers have been recruited to the Superior cadre of the Medical Department of the Madras and Southern Mahratta Railway of whom one is of non-Asiatic domicile, and the other a statutory native of India. The number of Europeans and Indians in the superior cadre of the Medical Department of this Railway was 4 and 2 respectively in September, 1932.

(d), (e) and (f). Government have been informed by the Agent of the Madras and Southern Mahratta Railway that the reason why the Administration has entertained another European Officer in the Medical Department, is due to the large number of Europeans and their families stationed in the Madras District. Government are, however, not satisfied that this difficulty could not have been met by suitable postings of European officers already in the Department, and a further reference in regard to this is being made to the Railway.

## THE INDIAN MEDICAL COUNCIL BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir I beg to move:

"That the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Frank Noyce, Dr. R. D. Dalal, Mr. Arthur Moore, Sir Hari Singh Gour, Sirdar Harbans Singh Brar, Mr. Gaya Prasad Singh, Mr. S. C. Sen, Dr. Ziauddin Ahmad, Mr. B. Sitaramaraja, Mr. S. C. Mitra, Kunwar Hajee Ismail Ali Khan, Mr. Muhammad Yamin Khan, Sir Abdulla-al-Māmūn Suhrawardy, Mr. T. N. Ramakrishna Reddi, Mr. N. N. Anklessaria and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This Bill, Sir, has a short past but a crowded—I had almost said a lurid—history. Criticism—I shall not venture upon any vituperative characterisation of it, but shall merely describe it as vigorous and, perhaps, not altogether judicial-minded—criticism, Sir, has ascribed to this Bill a servile origin, if not a sinister purpose. It has been described as dictated by coercion from outside, as designed to subordinate medical education in this country to the will of the General Medical Council of Great Britain and as calculated to impose upon the medical profession in India a division into pampered patricians and unprivileged plebs. It is only natural that controversy of this kind should distort the picture and it will be my endeavour, in the observations which I propose to make, to rescue truth from the mists of prejudice. For this, Sir, I seek from the House the indulgence of a patient and an impartial hearing. I think I shall be serving the convenience of the House and the interests of clarity of presentation of the case if I were to classify my observations under three main heads—the origin of the Bill, the aim of the Bill and the scope of the Bill. Any comments that I may have to make on the detailed criticisms of the provisions of the Bill, I shall reserve to the last.

First, as regards the origin of the Bill. There are two versions that hold the field. One version, that of the critics, is that this Bill is the result of the dictation of the General Medical Council of Great Britain which, as Honourable Members are aware, withdrew recognition from British Indian medical qualifications in February, 1930. The other version, which is more, perhaps, a version of zeal than of judgment, is that this Bill has no connection whatsoever with the decision of the General Medical Council. Neither version is accurate. The idea of an all-India Medical Council historically dates back to 1910 when it was first put forward by the late Sir Pardey Lukis. In 1919, the Government of India actually discussed the matter with Local Governments, but they did not proceed with the question of establishing an All-India Medical Council, because it was expected then that under the Reforms both medical administration and medical education would be transferred provincial subjects and, quite rightly, it was felt that a matter which would so intimately concern the Provincial Ministers should be considered in consultation with them before any steps were actually taken to establish an All-India Medical Council. In 1921, after the inception of the Reforms, Local Governments were consulted again. By the end of 1922, replies had been received. The majority of them were in favour of the establishment of an All-India Medical Council, but Government were then faced with the need for drastic retrenchment in public expenditure and, therefore, the matter had to be put aside. Then, in 1925, a deceased Member of this House, the



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late Dr. Lohokare, introduced a Bill for the establishment of an All-India Medical Council as also an All-India Medical Register. Simultaneously, I think, an identical Bill was introduced in the Council of State by Dr. U. Rama Rau. That Bill, that is to say, Dr. Rama Rau's Bill, was actually circulated for the purpose of eliciting opinion. Both Bills had defects, but Government looked upon them as significant of a definite trend of opinion in favour of setting up an All-India Medical Council and they thought that they might take up the matter themselves. My Honourable friend, Mr. Neogy, will remember that, in 1927, we had a small informal conference on the subject with some Members of the Legislature and, in 1928, the Government of India actually circulated the draft of a Bill to Local Governments. The replies to this letter were considered by a Conference of Provincial representatives, Ministers and Members of Council in September, 1929, and the Bill, as circulated by the Government of India, elicited a great deal of opposition on the ground that it had infringed provincial autonomy. The result was that the Government of India came to the conclusion that any attempt to co-ordinate standards of medical education in this country could only be worked successfully if it had the willing support of the provinces and that, until such support was forthcoming, there was no point in proceeding with the matter. This recital would, I hope, satisfy the House that, at any rate, the idea of an All-India Medical Council does not date from 1930. In fact, its nativity dates back to 1910 and cannot, with any regard to facts, be post-dated to 1930.

I shall now pass, Sir, to the question of the influence exercised by the General Medical Council of Great Britain upon the Bill which is now before the House. Honourable Members are aware that a system of visitation and inspection of examinations conducted by the British Indian Universities for medical graduates and also of consultation with these Universities started in 1922. Sir Norman Walker visited India on behalf of the Council early in that year; he paid a second visit to this country in the winter of 1926-27. In the interval, and, in fact, regularly after 1922, inspections on behalf of the Council were carried out by officers serving in this country. After his second visit, Sir Norman Walker suggested to the General Medical Council of Great Britain that there should be set up in India a co-ordinating authority which could give some guarantee of uniformity of standards. But the General Medical Council recognised that it would be some time before such Council could be set up; and, until it was set up, they wanted the Government of India to appoint an Inspector of Medical Qualifications and Standards. Now, Sir, it is within the recollection of the House that the proposal to appoint such an Inspector did not commend itself to Honourable Members. The counter-proposal of the Government of India, namely, the appointment of a Board of Inspectors, did not find favour with the General Medical Council of Great Britain. The result was the decision of the General Medical Council in February, 1930, to withdraw recognition from British Indian medical qualifications. This, Sir, meant two things; first, that Indian medical graduates, who graduated after the withdrawal of recognition, might have difficulties in the pursuit of post-graduate work in England; the other result of this decision was that in countries such as Malaya and Ceylon and other places where the condition precedent to employment is the possession of a medical qualification recognised by the General Medical Council, it would be difficult for Indian medical graduates

to find employment. These two consequences of the decision gave practical urgency to the problem of what should be done in order that reciprocal recognition should be secured abroad for medical qualifications secured in this country. That, Sir, is the nature and the extent of the influence exercised by the General Medical Council upon this question. Faced with this situation, Sir, the Government of India, in 1930, took the only proper, in fact the obvious, step. They invited representatives of provinces and of Universities to meet in a Conference in Simla. They met there in June 1930; the Honourable Ministers from Madras, from the Central Provinces, from Bombay and from the Punjab were there and the representatives of every British Indian University. And they came to the conclusion that we should set up in India a body which would endeavour to co-ordinate the standards of medical education of graduates. They also came to the conclusion that this body was clearly indicated as one to which the duty of negotiating recognition of British Indian medical qualifications abroad should be entrusted. The Bill, which is now before the House, is the outcome of this Conference. This disposes of the first head under which, I said, I would group my observations, namely, the origin of the Bill.

I come now to the purpose of the Bill. This, again, is to be sought in the recommendation of that Conference. The Conference said, there shall be co-operation between British Indian Universities, in order to ensure the attainment and the maintenance of a uniform standard of qualifications for graduates. For this purpose, it was clear that there must be knowledge on the part of each University of what the others were doing; and, further, that there shall be active co-operation in the levelling up of standards.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, may I interrupt the Honourable Member? Does he want to suggest that this Bill carries out the recommendations of the Simla Conference?

**Mr. G. S. Bajpai**: My Honourable friend must judge for himself whether the Bill carries out the recommendations of the Simla Conference or not. I am not at the present moment saying that this Bill is a complete replica of what that Conference recommended. I am merely trying to state what the purpose of this Bill is.

Sir, I was at the point of stating that the Conference came to the conclusion that there shall be co-operation amongst the Universities. They also recognised that for this purpose it was necessary to set up a body on which all the interests concerned would be represented, and which would also be vested with the power to supervise examinations and courses or study. That, Sir, was the main recommendation of the Conference. Honourable Members will ask, why is it that it has been decided or that the Conference recommended that the functions of the proposed All-India Medical Council should be limited to graduates and should not include medical licentiates. That, Sir, brings me to my third main head of observations, namely, the scope of the Bill; because, it is to that that this question logically relates. Now, let me say, Sir, at the outset that the answer to this question is not to be sought in any intention on the part of Government to inflict upon licentiates,—a very numerous and a very deserving class of medical practitioners,—any discrimination or any hardship. The Bill before the House neither seeks nor secures any such

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object. In fact, there is really no conceivable reason why Government should seek any such result. The answer is to be sought in facts which we cannot get over. The first fact is that there is a real difference between the educational standards of medical graduates and the educational standards of licentiates. No amount of aspiration by itself can convert the duality into identity. And the second fact is that if you wish the process,—whether it be one of levelling up or of levelling down,—to be undertaken, you must carry with you the provinces because, as I explained, under the constitution, both medical administration and medical education are transferred provincial subjects. Now, Sir, in the reference which we made to the Local Governments, in 1931, we definitely put to them this question: "Do you wish licentiates to be included, or do you wish them to be excluded?" Two Local Governments said, they might be included, but in a separate register; the remaining seven were definitely against their inclusion. In the circumstances, the constitutional position being what it is, the Government of India had no option but to endeavour to ensure two things. First, that in the Bill, which we put forward, there was no bar to the admission of an improved licentiates' qualification. Clause 18 of the Bill definitely secures that object. The second objective which we had was that there should be nothing in the Bill which in any way detracted or derogated from the privileges which licentiates at the present moment enjoy. There, again, I would invite the House to consider the Bill word by word and line by line, and, I am sure, they will find that my assurance is justified, namely, that there is nothing in the Bill which either detracts from or diminishes the privileges which licentiates at the present moment enjoy.

That, Sir, completes my account of the origin, the purpose and the scope of the Bill. I said at the outset that if I had any observations to make on the criticisms of the provisions of the Bill, I would reserve them to the last. Such criticism has been directed towards two main features of the Bill: first, the composition of the Council, second, the provision that we have made in regard to reciprocity. As regards the composition of the Council, it has been urged that this should be on democratic lines, that it should consist of an elected President, and a majority of elected members. Well, Sir, what I wish to submit to the House is that the solution of this problem is not to be sought along the lines of any preconceived or political theory. This body is to be entrusted with the supervision of a definite category of education. What we want is that it should be so constituted as to perform its functions with the maximum of efficiency and harmony. For this purpose, Sir, we think that the Council should be compact, *i.e.*, it should not be unwieldy, it should be representative of the interests concerned and its membership should be such as to command general confidence. The solution, Sir, which we have put forward in the Bill—we do not claim perfection for it—is a point which can be considered in Select Committee. More than this, I think, on the question of the composition it is unnecessary for me to say anything at this stage. I pass next to the question of reciprocity.

Now, what has been said in regard to that is that an All-India Medical Council will be at a disadvantage compared with the General Medical Council of Great Britain for the purpose of negotiating a recognition of British Indian medical qualifications on a reciprocal basis. Let me say at once that Government wish this body to be put in a position of effective

equality for the purpose which I have mentioned, namely, the purpose of negotiating recognition of British Indian medical qualifications. It is not the intention, Sir, to clothe this body merely with the trappings of authority. We wish to endow it with the reality of power, and if the formula, which we have put forward, is found to be inadequate in that respect, the Select Committee will be free to go into it and suggest amendments. Government have an open mind in regard to that point.

I see that I have already taken 25 minutes of the House. I shall not detain Honourable Members longer, but, before I resume my seat, I should like to recapitulate the intentions of the Government in this matter, because I do not wish that there shall be any doubts in the minds of Honourable Members in regard to them owing to the comparative length of my exposition. Government, Sir, recognise, in concert with Local Governments and Universities, that there shall be co-ordination of medical standards of education of the higher class. Government recognise, in concert with the same weight of authority, that this task can best and most successfully be discharged by an All-India body. They want this body to be compact, competent, representative of all the interests, which it is designed to serve, powerful, autonomous, modest perhaps in its initial activities, but only to be assured of a wide and sustained career of beneficence. If the Bill, Sir, which we have put forward, does not compass this aim with adequacy, we invite the House to co-operate with us in removing the imperfections.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register, be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir Frank Noyce, Dr. R. D. Dalal, Mr. Arthur Moore, Sir Hari Singh Gour, Sirdar Harbans Singh Brar, Mr. Gaya Prasad Singh, Mr. S. C. Sen, Dr. Ziauddin Ahmad, Mr. B. Sitaramaraju, Mr. S. C. Mitra, Kunwar Hajee Ismail Ali Khan, Mr. Muhammad Yamin Khan, Sir Abdulla-al-Māmūn Suhrawardy, Mr. T. N. Ramakrishna Reddi, Mr. N. N. Anklesaria and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Chair now proposes to ask Mr. Maswood Ahmad to move the amendment that stands in his name. The discussion will then take place both on the substantive motion moved by Mr. Bajpai as well as on the amendment of Mr. Maswood Ahmad.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1933."

Mr. Deputy President, Mr. Bajpai is rather famous for placing before the House his case very ably and he has done that today as well. He places his weakest case in such a way that it becomes a very good case and he has done the same today.

Sir, at the outset, I would like to say that, before deciding to move my motion I considered for a long time whether I should move it or not. First of all, I preferred to oppose the Bill *in toto*, but there were practical difficulties in our way, and I thought it would not be easy for us to throw

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out the Bill, but that it will be easy to convince the Government that this is a fit case for circulation or, if Government say that they have already circulated it by executive order, I would ask for re-circulation.

In this connection, Mr. Deputy President, I want to discuss the point which my Honourable friend, Mr. Bajpai, has given the first place in his speech, that this Bill has not been drafted on the dictation of the General Medical Council. I say that this is my first objection and that there are several reasons for a suspicion in the public mind about this Bill. The Bill seems to be drafted, no doubt, to please the General Medical Council. Sir, in this connection, I want to read a passage from the opinions which have been supplied. At page 50, you will find a very interesting letter. I do not know whether the letter has been printed by mistake or not, but there is a letter from the India Office, dated the 17th December, 1931, which says :

"I am directed by the Secretary of State for India in Council to transmit, for the information of the Government of India, a copy of the correspondence with the General Medical Council on the subject of the Revised Draft Bill for the Establishment of an All-India Medical Council."

So, Mr. Deputy President, this Bill which is before us was not the original Bill which was drafted by the Department; rather this is a revised draft Bill. Further if you will see, Sir . . . .

**Mr. G. S. Bajpai:** Sir, I wish to correct my Honourable friend on a point of fact. The word "revised" is not subject to the interpretation which he is putting on the Bill which was referred to Local Governments for opinion in 1931.

**Mr. M. Maswood Ahmad:** My Honourable friend may interpret the contents of the letter in a different way, but I have read the original words of the letter as well. Every Member may interpret it in any way he likes. There are these definite words: "revised draft Bill" which can not mean an original Bill. Further, Mr. Deputy President, by reading the second paragraph of the letter on the same page 50, you will find that my interpretation is more correct than the interpretation of the Honourable the Mover of the Bill. You will find from the passage quoted below, the correctness of my interpretation:

"2. The Secretary of State has no doubt. . . that the revised draft Bill has now been accepted by the General Medical Council."

This draft Bill has now been accepted by the General Medical Council. The word now is a very significant word. Up to that time the General Medical Council did not accept the Bill and the Government did not dare to introduce it, but now they say that it has now been accepted by the General Medical Council. Further, they say:

"and he trusts that it will be possible to introduce it at the next Delhi session of the Indian Legislature".

(Applause.)

I leave this direct evidence for a moment, and take the circumstantial evidence now.

Mr. Deputy President, I want to read in this connection of the circumstantial evidence two lines from a pamphlet which has been published on the Indian Medical Council by Dr. C. P. Chaubey, M.B., B.S., Delhi. On page 66 of that pamphlet, you will find what Mr. Rafiuddin Ahmad says:

"The anxiety comes from the British Medical Council and that certainly makes me a little suspicious."

Further, if you will again go to the same letter, which I have read just now, at page 51, in para. 4, they say:

"With reference to paragraph 4 of your letter, I am to say that the Secretary of State in Council accepts the view of the Government on the question of enrolment of officers of R. A. M. C. and I. M. S. on the register of the Indian Medical Council."

Again, if you will turn to page 67 of the pamphlet mentioned above, you will find an extract from the *British Medical Journal*, which is the official organ of the General Medical Council. You will find there the following:

"The Council had however in recent years laid stress on the fact that there should be adequate opportunities for employment on the civil side and in the new proposals for the reorganisation of the service valuable concessions have been obtained from the India Office by the Association in this respect."

I shall now leave this point and I hope my Honourable friend present here will decide themselves whether the suspicion in the minds of the public is correct or not. (Applause.)

My second point is that although Government have circulated the opinions, they have circulated them very late. We received these opinions only two days ago, and if you will turn to page 174 of the opinions, you will find that they were printed on the 10th September, 1932. So, five months ago, the Government had got these opinions printed. Apart from this, if you will see when Government received these opinions, you will see that they received these opinions more than a year ago. The Bill was introduced in the Legislative Assembly more than a year ago, but they did not circulate these opinions to us to enable us to form our opinions on this matter.

Further, the Indian Medical Council Bill, which is before the House today and which proposes to establish a Medical Council in India, has received so much attention by the people and especially by the medical men of the country that it is entirely necessary that the opinions of the experts which were obtained should have been placed before the House long ago. The importance of the Bill can be judged from the comments which nearly all the leading newspapers of the country have made on it. There is not the slightest doubt that the Bill is very loosely drafted and that it requires entire overhauling.

My third point in this connection is that the opinions are very old. Just now I said that the Government received these opinions in 1931: and, since then, many changes have taken place in this country: there was a time when Local Governments were opposing entirely this All-India Medical Council; but the time came when, in 1931, they accepted this All-India Medical Council; and, after these two years, it is quite likely that the Local Governments have changed their mind and that they might agree to include the licentiates also in this Indian Medical Council. I think, therefore, a fresh referendum to the Local Governments is quite

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necessary in this case and this is a fit case for circulation or re-circulation. This will greatly facilitate the work of the Select Committee also. The Select Committee, while considering the various clauses of the Bill, will greatly appreciate the opinions of the experts on it and, in the light of these opinions, the Bill can be improved in a much better way. My contention is that in the case of such an important Bill very wide publicity ought to have been given, and so fresh opinion ought to be received by them and these should be circulated to us. I am sorry to say that the Government have hopelessly failed to do their duty in this connection and they are building a huge castle on an old rotten foundation which may be the cause for collapsing the whole structure.

My fourth point in this connection is this: that the Bill which was circulated for opinion was not entirely the same as the one which is before us now. There were alternative clauses in that Bill and, I am sorry to say, that in spite of my request I could not get that Bill which was circulated for eliciting opinion. In support of my contention that this is not that Bill which was circulated and on which the opinions were received, I want to compare the first line of the Bill which was circulated: there you find the following preamble:

"Whereas it is expedient to establish a Medical Council in India to provide for the maintenance of a register of qualified practitioners of modern scientific medicine in order to establish a uniform minimum standard of qualifications in medicine for all provinces, such that persons attaining thereto shall be acceptable as medical practitioners throughout British India . . . it is hereby enacted as follows:"

This is the preamble of the original Bill which was circulated and on which opinions have been received by the Government, and these opinions were circulated to us only two days ago. Now, compare this preamble with the preamble of the Bill which is under discussion before us. Here you find the following:

"Whereas it is expedient to establish a Medical Council in India and to provide for a Register of the *higher grade* of qualified practitioners of modern scientific medicine in order to establish a uniform minimum standard of *higher* qualifications in medicine for all provinces: it is hereby enacted as follows:"

Now, I want to ask my Honourable friend, Mr. Bajpai, on this point whether the word "higher", which occurs in two places in the present Bill, was in the preamble of the Bill which they originally circulated . . .

**Mr. G. S. Bajpai:** No; it was not.

**Mr. M. Maswood Ahmad:** No reply to that point: so my Honourable friend accepts the point.

**Mr. G. S. Bajpai:** I said "No."

**Mr. M. Maswood Ahmad:** Thank you. Then he admits that there is a very great difference between the Bill which was circulated and the Bill which is now under discussion before us. In this connection I will say that the preamble of a Bill is the seed for the whole tree. If you change the seed, you will get another tree and you will get quite different fruits. You cannot get the same fruit if you change the seed again and again. (Laughter.) When you have changed the preamble of the Bill, then the

whole idea, the whole scope of the Bill, the whole programme, everything has been changed. By changing the preamble, the scope of the Bill has been changed; the old idea has been changed; and no opinion has been collected by the Local Governments and associations on this present Bill. Further, I oppose this idea that this thing should be for higher qualifications only, and if you will compare this preamble which is before us with the preamble before the General Medical Council, you will find that it is quite a different thing. I will discuss that point later.

My fifth point, Mr. Deputy President, in this connection is that the Conference which was summoned in Simla in 1930 was not of a sufficiently popular and representative character. No opportunity was given to the independent medical men or to the different Medical Associations of the country to be represented at that Conference. In the list of names of people who were present in that Conference, Honourable Members will find the representatives of Local Governments or of the Medical Faculties, and, so far as the Medical Faculties were concerned, the majority of the members in these Faculties were either I. M. S. men or Government servants. Besides the representatives of the Government of India, there were 11 Executive Councillors, four Ministers, three Surgeon-Generals, five Inspectors-General, and only seven representatives of the Indian Medical Faculties . . . . .

**Mr. G. S. Bajpai:** My Honourable friend has probably misread 11 for 1.

**Mr. M. Maswood Ahmad:** It might be so, because in my Note I have got the figure 1 typed twice; but anyway, that does not change my main point. One Executive Councillor, four Ministers, three Surgeon-Generals, five Inspectors-General combined with five persons from Government of India have no comparison with the seven representatives of Medical Faculties. I think at least the majority of these seven representatives as well would have been Government servants. My chief point is that there were I. M. S. men, Government servants and Ministers in an overwhelming majority. Again, these gentlemen were not beyond the control of the Government, and in this Conference the independent medical profession was totally ignored. In my humble opinion, the independent medical men were the only fit persons whose opinions should have carried weight on a matter like this. In their Statement of Objects and Reasons, Government say this:

"The Government of India have for some time past, in consultation with Local Governments, been considering the question of establishing an All-India Medical Council.....The Government of India, therefore, drafted a Bill on the subject and circulated it to Local Governments, who have accorded their approval to the principles underlying it and agree that it should be proceeded with."

Sir, it is clear that the Government of India did not circulate the draft to All-India Medical Associations. These organisations were totally ignored, otherwise it would have been mentioned in the aims and objects as it has been mentioned about Local Governments. Sir, though the Local Governments have sent in their opinions, and although some of the Medical Associations have also sent in their opinions, no attention has been paid by the Government of India to the suggestions made by local medical associations or by independent medical practitioners. All such opinions received from the members of the independent medical profession have



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been totally ignored, and they have drafted this Bill only on the recommendations of the Local Governments, and in many places even these recommendations have not properly been adhered to. This is my sixth objection, Sir.

My seventh point is this. We have now to see what was the immediate object of this Bill. I do not want to express my own opinion on this point, but I will merely read what Government themselves have admitted. This is what they say:

"But until recently there has been no consensus of opinion in favour of the establishment of such a Council. This has been partly due to the action of the General Medical Council in deciding in February, 1930, to withdraw temporarily the recognition of the Medical Degrees of Indian practitioners."

This action of the General Medical Council is evidently the immediate cause for drafting this Bill and placing it before us; and, therefore, this is the reason why the Government want to establish an Indian Medical Council. When the withdrawal of the recognition of the degrees of Indian Universities by the General Medical Council of England is the immediate cause, the proposed Indian Medical Council should have been on the lines of the General Medical Council, because our proposed body is to replace the General Medical Council for maintaining a register of Indian medical practitioners. But when we compare the provisions of this Bill with those of the General Medical Council, we find a world of difference between the two. In this connection I shall read out a few lines from the Memorandum of the General Medical Council as to the constitution, functions and procedure. This is a copy which I have obtained from the Government Department, and so this can be said to be an authoritative document. Now, this is what they say:

"The Instrument which Parliament set up for the purpose of marking the distinction between qualified and unqualified persons is called the Medical Register."

"It exists in fact for the protection of the public."

"This Council is in fact neither a Parliament for making professional laws, nor a Union for protecting the professional interests. It exists in fact for the protection of the public".

Thus it will be seen that the object in view is simply to protect the interests of the public, but this object has not been kept in view by the Government of India in drafting this measure which is now before us. If they had taken into consideration this object, then they should have drafted this Bill in such a way as to protect the public both from the higher and lower grade practitioners. If the object of a Medical Council is to protect the interests of the public, then the public should be protected both from the higher as well as the lower grade of practitioners. I maintain, Sir, that protection for licentiates is more necessary than for graduates, because, after all, graduates are more educated, they have more knowledge of medical science than that possessed by the licentiates. Further, India is a poor country, and 99 per cent. of the people take medical advice from these licentiates. They should know as to who, from among these licentiates, is a qualified man and who is not, and they can find this out only if a register is maintained. I fail to understand why a register of only higher qualified graduates should be maintained, and why the lower grade practitioners should be excluded from it. In my

opinion, the proposed Medical Council should maintain a register of all qualified practitioners of modern scientific medicine, and the exclusion of lower grade practitioners from this Council will defeat the very object of the Medical Council. I have strong opinion on this point and I request the Honourable Member in charge to allow the licentiates to get them registered on the Indian Medical register. There should, under, no circumstances, be any kind of differentiation between the higher grade and lower grade of practitioners.

Mr. Deputy President, I know the Government will succeed in carrying their motion and the Bill will be referred to a Select Committee, and, as I have said at the beginning, I found some practical difficulties in opposing the whole measure *in toto*, and, as I am aware of the Government voting strength and of the absence of many elected Members, I want to suggest some very important amendments in the Bill. I am suggesting with the view that if I fail in getting the Bill circulated, and if the Bill is referred to the Select Committee, then my opinion shall be before the Select Committee so that they may be considered there.

My first suggestion is that the preamble should be drafted on the lines of the preamble of the General Medical Council. I want that such a long preamble should be omitted and a shorter one similar to that adopted by the General Medical Council should be substituted. This is the preamble of the General Medical Council:

"Whereas it is expedient that persons requiring medical aid should be enabled to distinguish qualified from unqualified practitioners, be it, therefore, enacted".

I want that this short preamble should be substituted for the one which the Government have adopted in this Bill which is before the House. If this suggestion of mine is not acceptable to the Government, then I would suggest, Mr. Deputy President, they should draft the preamble exactly on the lines of the one which they have already circulated to the Local Governments and on which they have received so many opinions. If, however, for any reasons the Government are not prepared to accept their own draft again, then I would suggest that they should at least omit the words "higher education" and "higher qualification" from the preamble.

My second suggestion is this, that you will find in the Bill in several places the mention of the words "British India". I seriously object to this, and I want that this Medical Council should be for the whole of India and not for British India alone, now that the Federation is very near and the States are coming in and joining us. I, therefore, submit that this Bill should be for the whole of India and not for British India only. (Interruptions.) May I know from the Honourable Members interrupting whether in all the Acts they find the words "British India" only? (Some Honourable Members: "Yes.") If it be so, then at the time those Acts were passed there was no Federation imminent, but now that the Federation is very near and the time is not far off when legislation passed by this House will apply to the States as well, I say that the present Bill must apply to the States as well. Further, I will ask the habitual supporters of the Government to see the first line of the first letter published on the first page of the literature supplied by Government. There they will find that Mr. A. B. Reid, Secretary to the Government of India begins with the following words: "I am directed to address you regarding the establishment of an All-India Medical Council . . ."

[Mr. M. Maswood Ahmad.]

My next point is about the composition of the Indian Medical Council, which is the most objectionable clause. You will find in clause 3 that they want to have an elected President. (*An Honourable Member*: "Who wants elected President"? ) Government have provided so in this Bill. (*An Honourable Member*: "Where is it?") I will ask my friend to read the Bill and then to open his lips. Please see sub-clause (a) (1) of clause 3. (Applause.) Government have provided in the Bill that the President should be nominated by the Governor General in Council. So it means that Government want the President of the Indian Medical Council to be nominated. You will find other provisions in the Bill to the effect "one member from each Governor's province, to be nominated by the Local Government of the province", "one member from each Governor's province, to be elected from amongst themselves by the members of the Medical Faculties of British Indian Universities within the province". Sub-clause (1) (a) provides for a nominated President, and, under (b), there are other nominees of the Local Governments who, I believe, will be 9 or 10 in number. Now, Sind and Orissa and the North-West Frontier Province are Governor's Provinces and they will nominate and so the number will increase from 9 to 10 or 12, or God knows how many afterwards. Under (c), there will be three nominees of the Governor General in Council. Under (c), there will be six representatives of the Medical Faculties. You will find in the list there are six Universities only having Medical Faculties, namely, the Allahabad University, the Bombay University, the Calcutta University, the Lucknow University, the Madras University, and the last one is the Punjab University.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Allahabad has got no Medical Faculty.

**Mr. M. Maswood Ahmad**: Then the number of elected members will decrease. I said six; it will be five, which only strengthens my argument. I do not understand why in a Council of 28 or 34, there should be so many nominated members, and if you compare this with the composition of the General Medical Council in England, you will be surprised, Mr. President, to hear . . . . .

**Sir Muhammad Yakub**: Mr. President will not be surprised.

**Mr. M. Maswood Ahmad**: Mr. President will not be surprised, but several habitual supporters of the Government will be surprised. The Council was established under the Medical Act, 1858, and its composition was somewhat altered by the Act of 1886. It now consists of eighteen members appointed by the Universities in the United Kingdom having Medical Faculties; of nine members appointed by the Medical Corporations, such as the Royal Colleges of Physicians and Surgeons; of five members appointed by His Majesty-in-Council; and of six members directly elected by members of the profession as a whole—a total of 38. In a House of 38, the Government nominees on the General Medical Council are only five; and, here, in a House of 28 or 34, there will be a nominated element to the extent of more than 60 or 70 per cent. In the General Medical Council, there are also added three dentists who are members of the Dental Board and are appointed for dental business. The Universities

may appoint either medical men or laymen. There is, therefore, a clear provision in the General Medical Council that laymen as well can be elected by the Universities. But what has been done in this Bill? The election has been restricted to the members of the Medical Faculties :

"One member from each Governor's Province, to be elected from amongst themselves by the members of the Medical Faculties of British Indian Universities within the province."

Again, in Cambridge, for example, the representative is elected by the Members of the Senate, in the same way as the representatives in Parliament. Therefore, you will find that they are selected by the Senate; they are not selected by the Medical Faculties. This is the great difference between that election and the proposed election in this country. As regards nominations, you will find that the representatives nominated by His Majesty-in-Council are generally appointed for special reasons. In this Bill there is no such provision. I will appeal to the Member-in-charge of the Department to keep in mind that these nominations are for some special reasons.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** (Member for Education, Health and Lands): What special reasons?

**Mr. M. Maswood Ahmad:** That may be considered in the Select Committee. That is not a point to be considered here. There are many special reasons why nominations should be made in that way.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Kindly tell us a few.

**Mr. M. Maswood Ahmad:** I will not be in the Select Committee. This point is to be considered by the Committee, and so I am pressing my views before you here.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Why not quote them here?

**Mr. M. Maswood Ahmad:** Again, in England, the direct representatives are practitioners, elected four from England, one from Scotland, and one from Ireland, by ballot from among the members of the profession having registered addresses in these countries, respectively. That is the composition of the General Medical Council, and if the Government want to have an All-India Medical Council in this country, it should be on the same lines as the General Medical Council in that country. I further suggest that this Council should be on popular lines and, for that purpose, sub-clause (1) (b) of clause 3 should be entirely omitted. But if Government insist on giving the power of nomination to Local Governments, it should be for special reasons.

Now comes the question of the nomination of the President. In this connection I have already stated and I again say that the main wirepuller is the President and, therefore, he should not be nominated, but only elected by the Committee.

The Bill is altogether silent on the privileges and status of the members of the proposed Medical Council and this, I consider, to be a very serious omission. In my opinion, some definite privileges ought to be given to

[Mr. M. Maswood Ahmad.].

those who get themselves registered. In other countries medical practitioners, who do not get themselves registered, are not allowed to enter any Government or semi-Government service; their certificates are not accepted as valid; their opinion on medical matters is not accepted in a Court of law, and dangerous drugs are not allowed to be administered by them. So there must be some clause in this Bill for the privileges of those men who want to be registered in that register.

12 Noon. Mr. Deputy President, I come to reciprocity now. This is the other most important point. This has been mentioned in clause 19. You will find here that "the medical qualifications granted by medical institutions outside British India which are included in the Second Schedule shall be recognised medical qualifications for the purposes of this Act." So Government want the certificates from outside India to be recognised automatically and this is very objectionable. There must be some provision in the Bill that these certificates will not be accepted in India unless those countries are prepared to accept our qualifications in their country. I would suggest that the medical qualifications, now granted to medical institutions in countries outside India, shall be declared recognised medical qualifications under the Act as soon as the Governor General in Council is satisfied on the report of the Indian Medical Council that the registering authorities of such countries are prepared to enter into the scheme of reciprocity as regards enrolment and registration of medical practitioners with the All-India Medical Council. A list of such medical qualifications shall, by notification in the Gazette of India, be included in the Second Schedule. Such notification may also direct that any entry shall be made in the Second Schedule declaring that such be recognised medical qualifications only when granted after a specified date. This is of vital importance. The provision of reciprocity in clause 19 is a farce at present. It is injurious in its present form.

Further, I will say that there is one great objection in the Schedules. In Schedule I, you will find that two very important Universities have been omitted. In the Schedule I find Lahore, Bombay, Calcutta, Lucknow, Madras and Allahabad. If the Moradabad Knight is correct, there is no Medical Faculty at Allahabad, though I am not sure of that. Even that has been recognised. But inspite of there being a Medical Faculty at Patna, inspite of having such a good College there, inspite of the fact that the Bihar Government is spending a lot of money on medical education at Patna, inspite of good remarks of the inspecting authorities, inspite of it being highly appraised by Inspectors of the General Medical Council, inspite of it being the best of all these Universities, Government have not mentioned the Patna University in this list. I would request the Honourable Member to include the Patna University. The Andhra University has also not been mentioned and I think that University is in no way inferior to those I find in the list. Burma is going to be separated. So I leave that. If Burma is not separated and it is a part of the federal India, then Government must include the Burma University also in this list.

Now, Mr. Deputy President, I will suggest there should be a third Schedule for the licentiates. The degrees of licentiates are called differently in different provinces. I will not go into a long list of that. That also should be included in this Third Schedule, and if the Bill will be referred

to the Select Committee I will send those lists for being considered on that occasion. There is only one other point I want to touch. That is provincial autonomy. My Honourable friend, the Mover, has said that, and many other Members may say that as provincial autonomy is coming, we should not include the licentiates in this list and that it will be a kind of interference with provincial autonomy. This is the last point on which I want to satisfy the House. It is strange that up to the time when there was no talk of provincial autonomy, Local Governments were insisting that they were not ready to give their medical education under the all-India system, but, after these Round Table Conferences, when it became clear that provincial autonomy was coming, the Local Governments say: "take away this medical education in the hand of the Central Body" and that they are satisfied with licentiates only. May I ask is it not surprising? This is an astonishing fact. I think the main reason is that these I. M. S. officers are afraid of provincial autonomy and that they want to come under the control of the Central Body because they think that their fate is not safe in the provinces, while there is less or no responsibility in the centre. The only course for those Members who do not want these licentiates to be included, on account of provincial autonomy, is to throw out the whole Bill. (Applause.)

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1933."

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I listened with a certain amount of delight to the speech that has just been concluded. As the length of our grievances is greater than the depth of the Government's information (Laughter), I am not surprised that the previous speaker should have taken a longer time than the Mover of this Bill. The crux of the Honourable gentlemen's case was this: "The Bill is loosely drafted and requires entire overhauling". That being so, I was a little taken aback when he stated "circulate and re-circulate". If the Bill is loosely drafted and requires entire overhauling, the proper place to overhaul it is in the Select Committee and, therefore, I believe that in the Select Committee the Bill can be carefully examined and the objectionable features of the Bill wholly removed. The Bill has certainly many objectionable features and, I am certain, that when Mr. K. C. Neogy and Mr. Raju, who have made a special study of some of the features of this Bill, work in the Select Committee, they will make out a case by threshing out many of these points there. Even the preamble, which, according to the Honourable gentleman who has just concluded his speech, is open to objection, can be changed in the Select Committee. If equality should be secured—and if the Select Committee is unanimous on that point—between the licentiates and men of higher qualifications, the proper place to get that equality established is in the Select Committee by altering among other things, the preamble of the Bill. In the Select Committee, the gentlemen who have agreed to serve on it will have to see to it that the Andhra University, the Patna University and the Rangoon University,—for Burma has not been separated yet from India,—get the same status, the same advantages and the same privileges as the Universities in other parts of India. (Hear, hear.)

[Mr. C. S. Ranga Iyer.]

Then there is the question of the composition of the Medical Council. I am sure, Honourable Members will like to approximate as closely as possible the position of the Council to the position of the Council in England and they will try to acquire the same status for the Council in this country that the Councils in other parts of the Empire have got and the question that evolves from this is the question of reciprocity which, if occasion requires, will have to be interpreted as retaliation. (Hear, hear.) If our Council does not get what it wants, if our Council does not have the authority that the other Councils have, we at any rate would strongly oppose the Bill. Sir, the question of reciprocity is one on which there cannot be much difference between Honourable Members opposite and ourselves and, I hope, that on this point a very explicit statement will be made by the Government, for it is an important consideration before the House agrees to refer the Bill to the Select Committee.

There is a good deal of misapprehension in the country, a very just misapprehension and there is a good deal of feeling that India has been most shabbily treated by the British Medical Council. There is a good deal of legitimate suspicion which cannot be altogether ignored. Sir, the Member in charge of this Bill is Mr. Bajpai, who is an Indian himself . . . .

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Urban): Will that suspicion and misapprehension be removed by the Select Committee?

**Mr. C. S. Ranga Iyer**: That is a matter which has got to be considered in the Select Committee. I do not know whether it will be removed by the Select Committee. I am not on that Committee. But these things will have to be taken up and we must try our best to get them removed in the Select Committee, because I find that a large number of Honourable gentlemen have been put on the Select Committee and they have all probably agreed to serve on that Committee. Not being on the Select Committee myself, I can only urge from here that these matters will have to be taken up by the Select Committee.

**Mr. Lalchand Navalrai**: That will be no guarantee to us,—when the Honourable gentleman himself is not there.

**An Honourable Member**: Our other friends are there.

**Mr. C. S. Ranga Iyer**: I quite realize what my friend from Karachi says and I am perfectly certain that when he stands up and makes out his case, he will make out a strong case for the views that he holds. I perfectly share his misapprehension in many matters, and, therefore, it is up to us to speak out our mind on these matters; but in view of the story that has been narrated by my Honourable friend, Mr. Bajpai, in view of the fact that he has stated that this matter has been before the House for a very long time and that some form of circulation has already taken place, I find it very difficult to associate myself with the motion for re-circulation; but if I do not associate myself with the motion for re-circulation, I must make it perfectly clear that I do not associate myself with the Bill that has been presented to us. (Hear, hear.) It contains many unhappy features and those features will have to be

altered if the Bill is to get the acceptance of this side of the House. (Cheers.) Otherwise we will reserve to ourselves the fullest right of altering the Bill on the lines the Opposition would like to have it altered.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadan): Or of rejecting the Bill.

**Mr. O. S. Ranga Iyer**: Or, as Mr. Gaya Prasad Singh truly says, even of rejecting the Bill altogether. (Hear, hear.) These are matters which will have to be considered at a later stage, but I must tell the Government, in the first place, to make their position clear in regard to the electors, the composition of the Council, etc., etc. The Universities have a right to be electors. I cannot understand how the University in the Province of Bihar and Orissa or in the Andhra Province could have been left out. Then, again, we have a right to prevent and make provision against something like the development of a medical tyranny in this country by our completely handing over the Medical Council to professional men. (Cheers.)

**Mr. G. S. Bajpai**: I simply wish to state, Sir, that my Honourable friend is not quite correct in stating that the University of Patna is excluded from the electorate. It is the qualifications of the Patna University which are not included in the Schedule. The University of Patna is in the electorate.

**Mr. C. S. Ranga Iyer**: Patna is definitely in the electorate, but, at the same time, its inclusion in the Schedule would give Patna the same status that the other Universities have got, and this is a matter on which, I am sure, the Government will bestow the due consideration that the matter deserves.

**Sir Muhammad Yakub**: What about the Benares and Aligarh Universities?

**An Honourable Member**: The British Medical Council have not considered this.

**Mr. O. S. Ranga Iyer**: My Honourable friend, Mr. Jagan Nath Aggarwal, tells me that the British Medical Council have not considered this aspect. I am quite certain that when he presents his case and dwells on this question, he will emphasize it and that the Honourable gentlemen who propose to serve on the Select Committee will give that point every consideration. Sir, the Honourable Member in charge of this Department happened to be an esteemed Member of the Punjab Government and, if one were to go into the past history of this Bill and the attitude which the Government of the Punjab had taken, it would perhaps become clear as to why the Punjab Government at one time entertained considerable apprehensions on this matter. Sir, in view of the agitation in the country and in view of the great suspicions prevailing in the public mind, it is for the Government to make it perfectly clear, when the Government spokesman replies to this debate, that all the suspicions that are entertained on this side will be removed and that the Bill will emerge from the Select Committee very different from the Bill that goes into it. (Applause.)



**Dr. R. D. Dalal** (Nominated Non-Official): Sir, let me assure the House at the outset that I do not speak on the Medical Council Bill as an uncertified adventurer in the street. Perhaps I may state my credentials. Even at the risk of appearing egotistic, I may state that I possess both Indian and English medical qualifications—the highest qualifications in medicine and public health (Ironical Cheers from the Opposition Benches), and that my standing in the medical profession extends over 35 years. Sir, to my mind . . .

**Mr. Lalchand Navalrai**: Not under a democratic Government.

**Dr. R. D. Dalal**: Sir, to my mind the membership of the Legislative Assembly presents three aspects (Hear, hear): a duty, a responsibility, and an honour. I have been invited to serve on the Select Committee proposed to consider and to amend this Bill; and, I think, the man, who is not imbued with a sense, not of foolish vanity, but of grave responsibility, is not fit to be a Member of this great Central Legislature (Ironical Cries of "Hear, hear" from the Opposition Benches)—much less if he misleads this Honourable House in any way. Sir, I feel peculiar pleasure in giving vent to expressions of congratulation to my Honourable friends—Sir Fazl-i-Husain, Sir Frank Noyce, and General Sir John Megaw. All three of them have taken a deep interest in this Bill, and have all along striven hard to settle this difficult and long-vexed question, and, in my opinion, they have earned the grateful thanks of the medical profession in India.

Now, Sir, with your permission, I shall proceed to recall very briefly the history of the controversy with regard to the relations between the General Medical Council and the Indian Universities. Under the Medical Act of 1886, it is the statutory duty of the General Medical Council to satisfy itself that all qualifications recognized by the Council should guarantee a standard of proficiency sufficient for practice in Great Britain. Accordingly, various Indian medical degrees received recognition. In 1920, the first difficulty arose. The attention of the General Medical Council was called to the inadequacy of training in midwifery, which was given at some of the medical colleges in India. The shortcomings were frankly admitted by all. The defaulting Universities were warned that unless satisfactory arrangements could be made for the teaching of midwifery, the recognition of their degrees would terminate. The Universities asked for time to comply with the requirements. In 1922, it was arranged that, on behalf of the General Medical Council, Sir Norman Walker should visit India to see what was actually being done. The Universities showed a genuine desire to rectify their shortcomings, not only in midwifery, but also in various matters which were brought to their notice by Sir Norman Walker. No machinery existed in India for the inspection of the Universities and their medical examinations. It was proposed that the Government of India should appoint a special Inspector. This was agreed to by the Government of India and by all Universities except the Calcutta University, which objected on the ground that the inspection was an unusual procedure; so the medical degrees of the Calcutta University were not recognised by the General Medical Council for four years from 1924 to 1928. In 1928, the Calcutta University applied for a resumption of recognition by the General Medical Council. This was agreed to after an inspection. In 1926, Sir Norman Walker paid a second visit to India, and he submitted

a most comprehensive report on the conditions of medical education in India. He reported that great progress had been made in the removal of previous defects, but he pointed out various matters in which further improvement was needed to ensure uniformity in the standards of the examinations. He suggested the establishment of a Medical Council in India; and, pending the formation of the Medical Council, it was proposed that a Commissioner of Medical Qualifications and Standards should be appointed as a temporary measure. This proposal was objected to by this Honourable House. As the period of temporary recognition by the General Medical Council of the medical degrees of the Indian Universities was fast drawing to a close, the Government of India proposed that a Board, consisting of the representatives of the Government of India and of the Medical Faculties of the Universities, should be set up as a temporary measure for the inspection of the medical examinations. But the General Medical Council regarded this proposal as an unsatisfactory makeshift, and it decided in February, 1930, that, in the absence of authoritative information as regards the medical qualifications and standards of the Universities of Bombay, Calcutta, Madras, Lucknow, and Punjab, it was unable for the time being to continue to recognise the medical degrees of the Indian Universities as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery in Great Britain. Consequent upon this decision, the Committee of Management of the Conjoint Examining Board in England have decided that if, by the 1st June, 1933, the Indian Medical Council Bill has not been passed into law and approved by the General Medical Council, the existing recognition of the Indian Universities by that Board also would cease.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City: Non-Muhammadan Urban): Does the Honourable Member say that the decision of the Board was that the Indian Medical Council Bill to be passed by the Assembly should have the positive approval of the General Medical Council?

**Dr. R. D. Dalal:** That is what I understand.

**Diwan Bahadur A. Ramaswami Mudaliar:** Thanks for the information.

**Dr. R. D. Dalal:** Sir, it has been said that the General Medical Council has forced the Government of India to establish a Medical Council in India. To get at the truth of this allegation has been my great object. I have made a thorough investigation, but I can discover no ground for this allegation. Nay, I regard this allegation as a mischievous delusion. So, Sir, with your permission, I shall take this opportunity to clear away the misconception which seems to prevail amongst the medical practitioners in India. The General Medical Council has played a very important part in bringing the medical education in India to its present high standard. The General Medical Council was asked to recognise the medical degrees of the Indian Universities as being equivalent to British qualifications for purposes of registration in Great Britain; so, consistently with its statutory duty, the General Medical Council was compelled to play an active part. What is more, the General Medical Council itself recommended that India should set up its own organisation for the co-ordination of medical education and standards so that it might escape from the invidious and

[Dr. R. D. Dalal.]

unsatisfactory position of having to meddle in the affairs of the Indian Universities. If the General Medical Council did not keep the Indian Universities up to the mark, it would be tantamount to the General Medical Council not doing its duty. In that case, the Privy Council would step in, and would put the General Medical Council in default. Sir, I can assure the House that I have made a close study of this Bill, and I have arrived at certain definite conclusions. There is much virtue in the closed mind, for an open mind like an open drain is apt to be the receptacle of much filth and rubbish.

**Mr. C. C. Biswas** (Calcutta: Non-Muhammadan Urban): Under-ground sewers generate gases.

**Dr. R. D. Dalal:** But, I am not one of those who make it their boast that when once they have made up their minds, nothing can alter them. This is a Bill of great importance to the medical profession and to the public generally; so it would be a great blunder—a blunder worse than crime,—to have a mind closed by blind prejudice, or stupid obstinacy, or unreasoning pre-conception. The necessity for this legislation is universally admitted. The Council should be established in such a manner as to ensure an honourable International status for the medical degrees of the Indian Universities. The object of this Bill is to establish a register of those medical practitioners who possess medical qualifications which are likely to be accepted in other countries as conforming to International standards. Reciprocity depends upon the possibility of satisfying the authorities responsible for maintaining the standards of medical practice in a country that the standards of medical qualifications in another country seeking reciprocity do not fall below those which they themselves require. Therefore, the main object of this Bill is to restore and to maintain that reciprocity between India and Great Britain which has been interrupted by the refusal of the General Medical Council since February, 1930, to recognise the medical degrees of the Indian Universities. Sir, I may state in passing that in Japan there are several standards of medical qualifications, but only the highest standard of medical qualification is recognised for reciprocity in other countries. If the medical graduates and the licentiates of the medical schools are given equal rights, the candidates might prefer the easiest examination instead of that in the highest repute. The Bill provides that eventually we should be able to raise to a sufficient and uniform standard the medical education of all persons who would enter the medical profession; so it will benefit the public at large by securing an improved class of medical practitioners. There is nothing in the Bill which will prevent the licentiates being recognised when the courses of training and examinations are considered sufficient by the Medical Council of India. The licentiates have not been included in the scope of the Bill, because at the present time they have not the slightest chance of being recognised in other countries. It is true that the licentiates compose a very large section of the Indian medical profession; I admit that the licentiates have rendered conspicuous services to the Government and to the people of India; and I firmly believe that the medical facilities in the vast rural areas of India can be provided only through the instrumentality of the licentiates. But, Sir, so far as India is concerned, their recognition will remain exactly the same as before, and when the courses of training and examinations are brought up to the requisite standards, they will automatically come within the scope of the Bill. The

door has been left open for them by the Government of India; medical schools will, therefore, have an incentive to work up to the higher standards. Any adequate Bill must recognise the clear distinction between the medical schools and the medical colleges in the present circumstances. The medical schools do not maintain such a standard of proficiency as obtains in the medical colleges; the system of education given in the medical schools is quite different to that in the medical colleges; the preliminary education of the licentiates is quite inferior. That the licentiates have been put on the provincial registers is due to the peculiar conditions and circumstances of India, and to discriminate them from unqualified practitioners for Government and local board service of a subordinate grade, and to bring them under the disciplinary jurisdiction and control of the medical councils for unprofessional conduct. If the licentiates will insist on recognition of equality of status in the present circumstances with the medical graduates, what will be the result? The practical outcome of it will be that no medical qualifications of India are likely to receive recognition for reciprocity. Sir, I am convinced that eventually the licentiates are bound to come within the scope of the Bill; I, therefore, see no necessity for legislation for the lower qualification. But if such legislation be considered desirable, this question should be thoroughly investigated. I respectfully submit that a beginning should be made by securing recognition of higher qualifications for reciprocity in other countries.

Sir, much has been said about Patna, Andhra, and Rangoon Universities. These Universities have not been included in the first Schedule of the Bill. They had not been recognised under the arrangements which were in existence before the withdrawal of recognition by the General Medical Council; but there will be no difficulty in placing them on the list if they will satisfy the Medical Council of India as to the sufficiency of the standards of training and the efficiency of their examinations.

**Mr. M. Maswood Ahmad:** Why not the same for other Universities?

**Dr. R. D. Dalal:** I see no objection to British, Colonial, and Foreign medical practitioners being admitted on the register on payment of fees without examination, provided that they were duly qualified and provided that there was full reciprocity between India and Great Britain, Colonies, and Foreign countries.

The Bill gives the Council power to send Inspectors to see that the examinations are sufficient and efficient; and if they find any body not doing its duty and not giving the examinations in a fit and proper manner, that body would be put in default by the Council subject to the sanction of the Governor General in Council.

Now, Sir, I shall pass to a very important point which will give the House food for reflection. A great many Indian medical men are earning their livelihood in the United Kingdom; so it is a matter of great importance that there should be reciprocity between India and Great Britain.

**Mr. Lalchand Navalrai:** What is the number of such practitioners, please?

**Dr. R. D. Dalal:** I do not know the exact number.

**Mr. C. C. Biswas:** Why not have an examination for them there, if necessary?

**Dr. R. D. Dalal:** Then, Sir, there are other countries, to which Indian medical men look for honourable careers, such as Ceylon, Cyprus, Fiji, Malta, Gibraltar, South Africa, Uganda, Straits Settlements, and so on. These countries contain enormous populations of Indians, who lay great stress on provision for themselves and their families of medical treatment by Indian medical men; and the welfare of these Indian populations the Government of India are in duty bound to subserve. But these countries regard recognition by the General Medical Council as an essential condition, which must be complied with before they are allowed to practise in their Territories.

Now, Sir, with your permission, I shall just say one word as regards the President of the Council. The President of the Council should be a man qualified by experience; he should have a knowledge of the procedure, precedents, and conventions of the Medical Councils in Great Britain and other parts of Europe; he should be the guide and adviser of the Presidents of the Provincial Medical Councils; he should be a man who is debarred from private and consultation practice; he should be a person who has a powerful influence on the whole history of medical education in India; and, in view of the close association which should exist between the Central Government and the Medical Council of India, I think it is highly desirable that the President should be nominated by the Governor-General-in-Council.

**Diwan Bahadur A. Ramaswami Mudaliar:** Does your profession in India bear out that suggestion?

**An Honourable Member:** An I. M. S. man?

**Dr. R. D. Dalal:** Now, Sir, I shall bring my remarks to a close; and I hope that the length of my remarks will perhaps be held to have been justified by the singular importance of the Bill. Sir, it is a welcome and remarkable development that the Provincial Ministers and others, who could not be induced three years ago to consider favourably the proposals for a Medical Council in India, are now eager to see it established as early as possible. The idea of this legislation was mooted as far back as 1926; and since then this question has been on and off before the Central Legislature and before the public. The Bill has been prepared in accordance with the views of a Conference which was fully representative of the Provincial Governments; the Bill has been prepared in deference to a universal demand of the medical graduates themselves. The Bill has received the approval of the Medical Faculties of the Universities and of the Provincial Medical Councils.

**Diwan Bahadur A. Ramaswami Mudaliar:** Most certainly not.

**Dr. R. D. Dalal:** The action of Government has not been flustered or precipitate. The Bill has been for the last two years and a half in course of incubation, and has been drawn up after full consultation with all parties who are best able to give sound advice on the subject; and, with a view to conciliate all reasonable opposition, certain changes have already been made in the Bill. The Bill bears the impress of an anxious desire on the part of Government to meet the criticisms of both expert and public opinion, and it represents a genuine attempt to secure a sound and dignified status for the medical degrees of the Indian

Universities. I am not surprised at want of unanimity of opinion amongst medical men, because doctors, like sanitarians, engineers and theologians, will always disagree amongst themselves; but the objections will be critically examined by the Select Committee, and I doubt not that the objections will be minimised by the modifications which the Select Committee may introduce into the Bill, and that, as a result of the labours of the Select Committee, the Bill will emerge a useful and efficient measure. I am strongly of opinion that no useful purpose will be served by circulating the Bill for eliciting further opinion. Sir, it is with as forcible and overpowering a ground of appeal as any pleader for a good cause ever possessed that I have ventured to lay the whole case before the House—I have extenuated nothing and I have exaggerated nothing; and I earnestly hope that nothing will happen to mar the progress of this Bill, and that it will receive the support of this Honourable House, as it will settle a long-vexed question, and as it will conduce to the good of the public generally and to the benefit of the whole medical profession in India.

**Dr. Ziauddin Ahmad:** (United Provinces Southern Divisions: Muhammadan Rural): With your permission, Sir, I request the Honourable gentleman before he sits down to explain how he proposes to deal with the case of licentiates in the Bill as he mentioned.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member has just finished his speech. I cannot ask him to make another speech just now.

**Mr. B. Sitaramaraju:** Sir, the Honourable gentleman, who has just now resumed his seat, is accustomed to take the views of the Government always on trust. That has become almost a second nature with him. If he were to find today that there was nothing in the provisions of this Bill which he could have taken exception to, it is easy to understand him, because, I think, according to him, there is even no necessity of the Bill going to the Select Committee, and what modifications can he expect to be made by the Select Committee in the Bill if he already approves of each and every one of the clauses mentioned in the Bill? Sir, the Honourable gentleman is evidently misled. He is thinking that a great opportunity has been given to us under the provisions of this Bill by providing for reciprocity. I am afraid that the Honourable gentleman will be very much surprised to find that, before I have finished with the few remarks that I should like to offer, there is no such provision for reciprocity in the Bill. If the Honourable gentleman is misled by the word "reciprocity" occurring in the provisions of the proposed measure, I am inclined to say again, Sir, that he has been grossly misled, and it would require all his powers and abilities for vaccination or injection to instil in this Bill the principle of reciprocity which we do not find here, and I will deal with that a little later.

Sir, notwithstanding the remark which was made by my Honourable friend, Mr. Ranga Iyer, I confess that I claim no greater knowledge than he or any one of us to possess on this matter, but I would like that a measure of this importance should be given a fair consideration before motives are attributed and implications are understood. At the very outset, I would like to ask one question. As has been remarked by the Honourable the Mover of the motion for circulation, we are on the eve

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of constitutional changes. We should like to know what overriding necessity there is to push on a measure of this importance now. The Surgeon General to the Government of Madras, when this Bill was circulated, expressed the opinion that it was not fair to constitute a Council purely for British India alone, and leave out the Indian States which had Universities of their own. Sir, it is but suspicious that the Government should consider that there is urgent necessity to proceed with this measure at the present moment. The Honourable the Mover of the motion to refer the Bill forthwith to Select Committee, in giving us the past history of this idea to establish an All-India Medical Council, strengthened the suspicion. There does not appear to be any very great necessity for introducing a measure just when we are on the eve of constitutional changes. Why should the Government want to rush through this Bill when they could have waited for the last 20 years? Sir, there must be some reason, and as an Honourable gentleman said, this is undoubtedly the Medical Ottawa. It gives one the impression that the Government are afraid of the future Legislature. Unless we are convinced that there is an overriding necessity for introducing and pushing through this Bill, we cannot reject the motion for circulation or accept the motion to refer it to Select Committee.

**Mr. C. S. Ranga Iyer:** What I said was that if we accede to the motion for a Select Committee, we accept the principle of the Bill. I hope my Honourable friend, if he does not accept the principle of the Bill, will be true to his own convictions and abstain from serving on the Select Committee, and withdraw his name.

**Mr. B. Sitaramaraju:** I will certainly. That is exactly what I was going to say. If we go into the Select Committee, we accept the principle of the Bill. Now, I would like to ask, what exactly is the principle underlying this Bill? If Honourable Members will care to read the Statement of Objects and Reasons of this Bill, they would find a statement made by the Government of India that the Local Governments have accepted the *principles* underlying the Bill. That is to say, there are more than one principle underlying it. I would like to ask, what are all those principles which are underlying the Bill and which the Provincial Governments are said to have accepted. We know, Sir, from past experience that when we go to a Select Committee, as my Honourable friends on this side of the House will bear me out, that many material points in the Bill are taken as the principles underlying it and it is not open to the members of the Select Committee to object to any one of them. We have had that unpleasant experience in the Select Committee on the Ordinance Bill. Sir, I am, therefore, anxious to know what exactly is the principle I am supposed to accept, if I accept the motion for Select Committee. If Government can make that position clear, that will determine my attitude whether I should like to serve in the Select Committee or not. Sir, it is with that purpose that I want to know as to what is the principle underlying the Bill. Sir, before dealing with these principles, I would like to conclude my remarks on the point as to what is the overriding necessity. What is the overriding necessity for proceeding with this measure at this stage? One statement was made and that was to the effect that the action of the General Medical Council was responsible for giving a fillip to the idea of establishing a Medical Council of an all-India character. But we have

had the Honourable the Mover of the motion for Select Committee saying that although that is there, that is not exactly the reason why they are constituting the Medical Council.

According to the Government of India, the idea was as old as 1910, but it was still an idea and the General Medical Council merely accelerated the idea to take this shape. However, when my Honourable friend, Mr. Maswood Ahmad, read passages after passages showing that it was to placate the General Medical Council that this legislation has been brought about, I could find no satisfactory answer to that charge. Whether this Bill owes its origin to the General Medical Council or not, there is no doubt that the most important part of it appears to have originated from the action of the General Medical Council. I would like to mention here what is the constitutional right of the Indian degree holders of the Indian Universities with regard to the action of the General Medical Council. If the General Medical Council has withdrawn recognition of those degrees, was there no remedy available to them? I say that there is a remedy, but the Government of India, in their step-motherly treatment of the Universities of this country, have not availed themselves of that provision. In the British Act of 1886, Section 13 (2) runs as follows . . . . .

**An Honourable Member:** What is the point?

**Mr. B. Sitaramaraju:** .....I am coming to that. The point is this. There is a passage here under the British Act containing a provision giving a right of appeal to the Privy Council if our degrees should unjustly not be recognised: it says:

"Where the General Medical Council have refused to recognise as aforesaid any colonial or foreign medical diploma, the Privy Council, on application being made to them, may, if they think fit, after considering such application and after communication with the General Council, order the General Council to recognise the said diplomas, and such order shall be duly obeyed."

If the General Medical Council in London refuses to recognise any degrees of India, then the remedy available to India is this: we can immediately file an appeal before the Privy Council and get that order of the General Medical Council reversed and get our degrees recognised . . . . .

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** That is the litigious spirit.

**Mr. B. Sitaramaraju:** I am very sorry to find that when a legitimate right is denied to an Indian degree holder and when it is pointed out that there is a right of appeal to a higher tribunal where he can get redress, my Honourable friend, Sir Fazl-i-Husain, should say that it is the litigious spirit. If one seeks to protect a right by availing himself of an existing remedy, is that to be called a litigious spirit? According to the Honourable Mian Sir Fazl-i-Husain, all Courts must be abolished. No wonder, the Government of India have not been pleased to give us the benefit of that course as managers of these institutions . . . . .

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadan Rural): May I know whether it was open to the University of Madras, for instance, to appeal to the Privy Council to have its medical degrees declared as recognisable by the General Medical Council, instead of leaving it to the Government of India to do so?



**Mr. B. Sitaramaraju:** That is quite possible.

**Mr. G. S. Bajpai:** That is the position.

**Mr. B. Sitaramaraju:** But the Government of India can do it for the whole of India, though it does not legally prevent the University from doing so. As I say, that provision is available to us and so far it has not been availed of. Before we constitute an Indian Medical Council as a remedy for this purpose, we must try the alternative which is already available to us before we can say we are dissatisfied with the provision already in existence and would desire a Council as a remedy. I venture to submit that I have great confidence in the Privy Council and its justice. It is a far greater remedy than the remedy which would be available to us if this Bill were to be passed into law in its present form.

**An Honourable Member:** It is not the Judicial Committee of the Privy Council.

**Mr. B. Sitaramaraju:** The action which was taken by the General Medical Council in London was as old as, I believe, 1929. Since 1929, we have not been on speaking terms even, and, therefore, . . . .

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** You are speaking for yourself.

**Mr. B. Sitaramaraju:** I am speaking not only for myself: if the Honourable Member can say that I have got a wrong information, then I stand corrected. The history of this idea of forming an All-India Medical Council has been engaging the attention of this country for some considerable time. Sir, ever since 1919, when we had the reforms, the **1 P.M.** European element of the medical profession, mostly the I.M.S., and also the General Medical Council got frightened of the disabilities that the I.M.S. people were likely to suffer from a regime of popular control in the Provincial Governments. An extract from a British Medical Journal, the official organ of the General Medical Council, makes this point quite clear. This is what it says:

"The Council had, however, in recent years laid stress on the fact that there should be adequate opportunities for employment on the civil side, and, in the new proposals for the re-organization of the services, valuable concessions have been obtained from the India Office by the Association in this respect. Hitherto it had been one of the aspirations of any one serving in the I. M. S. to obtain a civil employment, because this meant more opportunities of practice and a corresponding measure of comfort. Now, however, the civil side had a completely different aspect, because it involved service not under the Government of India, but under one of the Provincial Governments, and this meant service under an Indian political chief".

Therefore, Sir, the motive behind the whole thing is quite clear. The General Medical Council got frightened of Indian Ministers, but fortunately for us we had in those days great Ministers,—a Panagal from Madras, a Fazl-i-Husain from Punjab,—and these gentlemen were too strong for the General Medical Council . . . .

**Sir Abdulla-al-Mamin Suhrawardy** (Burdwan and Presidency Divisions. Muhammadan Rural): **Sir Surendra Nath Banerjee** from Bengal.

**Mr. B. Sitaramaraju:** And as my friend has just said, Sir Surendra Nath Banerjea from Bengal. So, these three stalwarts,—the Rajah of Panagal in the South, Sir Fazl-i-Husain in the North and Sir Surendra Nath Banerjea in Bengal were found to be too strong even for the General Medical Council, and, therefore, a decent burial was given to the idea of the establishment of this Council. We thought it was dead and gone, but Sir Fazl-i-Husain is no longer a Minister in the Punjab,—he is a Member of the Government of India . . . .

**An Honourable Member:** Oh! What a fall!

**Mr. B. Sitaramaraju:** If today he has undertaken to constitute that very Medical Council, which he would not look at, a few years ago, when he was Minister in the Punjab, I would only say that inscrutable are the ways of the great . . . .

**Mr. Gaya Prasad Singh:** Like those of the Providence.

**Mr. B. Sitaramaraju:** Yes, Sir. When Sir Fazl-i-Husain took up this subject, he first summoned, as was pointed out by Mr. Bajpai, a Conference of all the provincial satraps and some medical men. That Conference, when it met in 1930, was perfectly aware of the action which was taken by the General Medical Council, but, in spite of that knowledge, they wanted a Council to be constituted entirely independent of the General Medical Council of London and irrespective of the consideration whether the General Medical Council would recognise our degrees or not. Sir, there are prominent medical men who have expressed the view that the withdrawal of recognition of Indian degrees by the General Medical Council of London is even a blessing in disguise, because it gave an opening for our medical students in the Continental clinics. Nevertheless, what do we find? We find that the Government of India are doing nothing but thinking of the General Medical Council alone all the time. Last year, Sir Fazl-i-Husain issued a communiqué in which he said that unless the General Medical Council recognised our degrees, several Indians, who were practising in London, would suffer very much by the want of such recognition. There appears to be some misapprehension, because it is incorrect to say that if practitioners are not registered on the General Medical Council of London, they will be deprived of the privilege of practising in London, because, Sir, they are entitled, under the amended provisions of the Medical Acts, to practise in London even if they are not on the register . . . .

**Mr. G. S. Bajpai:** I am not aware of any such communiqué . . . .

**Mr. B. Sitaramaraju:** I read it in newspapers. I did not receive the communiqué myself, but I have no objection to modifying my remarks if my friend, Mr. Bajpai, says that no such communiqué was issued.

Now, Sir, it is not very difficult to see that the one aim and the one end in view of the Government of India to constitute this All-India Council appear to be to placate the General Medical Council of London; otherwise, what possible explanation can they give to exclude, say, for instance, the Andhra University, the Rangoon University and the Patna University? The Government of Madras themselves have stated that it is unjust to exclude the Andhra University from the Schedule, because the Andhra

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University happens to have, just as the Madras University, the same conjoint examining Board. When both the Andhra University and the Madras University have the same conjoint Board, it will be seen that the exclusion of the Andhra University is absolutely unjustified when Madras is recognised. What is the reason? I may even mention here that Surgeon General Megaw examined the Andhra University . . . .

**An Honourable Member:** He has not, he says.

**Mr. Gaya Prasad Singh:** He has, I believe, examined the Patna University Faculty.

**Mr. B. Sitaramaraju:** If not this General, some other General did it. I remember, it was examined.

**Mr. N. M. Joshi** (Nominated Non-Official): What special grudge has the General Medical Council got against the Andhra University?

**Mr. B. Sitaramaraju:** It is absurd to exclude one University when they have the same conjoint University Board. That was my point, and if it is a fact that the Government of India had not to placate the General Medical Council of London, why should they have excluded the Andhra University?

**Mr. N. M. Joshi:** How is the General Medical Council interested in excluding the Andhra University?

**Mr. B. Sitaramaraju:** I will explain this to my friend. A perusal of some of the speeches delivered by the Ministers at the Conference held in 1925 will show that the one aim of the General Medical Council is to protect the European interests, I mean the I.M.S., and the Andhra University has not got more than one I.M.S. officer. That appears to be the only reason for excluding the Andhra University, otherwise there can be no meaning in denying recognition . . . .

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** But they have not denied recognition.

**Mr. B. Sitaramaraju:** They have withdrawn recognition, and you have withdrawn its name from the Schedule to this Bill to satisfy them.

Now, Sir, coming to the question of these drafts, we have the draft Bill of 1928, of 1931 and we have also the draft Bill before us of 1932, and a perusal of these three draft Bills will show that, every time the Government drafted a new Bill, there has been a change, and the change has always been for the worse. Mr. Bajpai stated that the idea of constituting the Medical Council in India is nearly 20 years old. That reminds one of the mountain in labour producing the mouse. The scope of the Bill from 1928 to 1932 has exactly taken the shape of the tail of that little animal, because, gradually, the scope has been narrowed and narrowed down till we find today that it has reached to the point of inconsistency when it is called a Bill to provide higher minimum standards. The Statement of Objects and Reasons has stated, and my Honourable friend, Mr. Bajpai, has reiterated that statement, that they have drafted this Bill

in accordance with the decisions of the Simla Conference and the opinions of Local Governments. A perusal of the Statement of Objects and Reasons would remind us of the old English saying that half truths, owing to their tendency to mislead, are much more dangerous than deliberate falsehoods. I asked, when Mr. Bajpai was speaking, whether he would assert that this Bill was drawn up in accordance with the decisions of the Simla Conference, and he replied by asking me to judge that for myself. I have judged and I find that the provisions of this Bill are neither in accordance with the decisions of the Simla Conference, nor are they in accordance with the opinions expressed by Local Governments. The Simla Conference state as follows, at page 77 of this book:

"This Conference recommends that a Bill, on the lines indicated in the resolution passed by it already, be drafted and circulated to Local Governments for opinion with the direction that the opinions of Medical Faculties, local Medical Councils and leading Medical Unions be obtained and considered when making the report, and further that the Bill be published in the public press."

They wanted the Bill to be drafted on the lines indicated by their resolution. That resolution Honourable Members will find at page 31 of this book. I wish to draw the attention of Honourable Members to clause 2. It states that the All-India Medical Council should be an independent body and that it should not be subservient to the General Medical Council in London, deriving its powers and functions from an Act of the Indian Legislature. Clause 5 says that only graduates should be eligible to be on the register of the Indian Medical Council, but the inclusion of those who have received diplomas from recognised Universities is a point for detailed consideration. They did not definitely exclude the question of the diploma holders and the licentiates. They kept that question open and said that that must be a matter for detailed consideration.

**Mr. G. S. Bajpai:** I do not wish to interrupt my Honourable friend, but may I say that the phrase used is "diplomas of Universities". Licentiates do not hold diplomas from Universities.

**Mr. B. Sitaramaraju:** That is how it is understood by the members of the Simla Conference who were signatories to this report. When I read the opinion of Dr. Lakshmanaswami Mudaliar, brother of my Honourable friend, Diwan Bahadur A. Ramaswami Mudaliar—that is exactly how they understood when they drafted it. The members who were on that Conference understood it only in that way and in no other way. My Honourable friend, Mr. Bajpai, must himself admit that the diplomas are not degrees. Then, what, according to my Honourable friend, does this word "diploma" cover?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** I. M. S.

**Mr. B. Sitaramaraju:** Only I. M. S.?

**The Honourable Khan Bahadur Mian Fazl-i-Husain:** Why say only? This is one.

**Mr. B. Sitaramaraju:** Is it or is it not a fact that the Government of India themselves asked at this Conference that the question of graduates only should be considered? Did they put to the Conference the point whether the licentiates should be included or not? No, they did not.

**Mr. G. S. Bajpai:** I am very reluctant to interrupt the Honourable Member again. The Conference was definitely for excluding the licentiates. In the Government of India letter, which went out in 1931, the question whether licentiates should be included was referred to Local Governments, and, as I explained in the speech which I made a little while ago, a majority of Local Governments were against it. That is the point.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

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**Mr. B. Sitaramaraju:** When the House adjourned for Lunch, I was stating that the decisions of the Simla Conference were such that the provisions of this Bill could not be said to have been drafted in accordance with them. With regard to the Simla decisions, I would like to invite the attention of the House to clause 2. It should be an independent body not subservient to the General Medical Council in London. This statement was well brought out during the proceedings of that Conference by Mr. Vyas which I find on page 20. The whole idea would appear to be how to safeguard our degrees and how to provide for our services duly qualified men. Mr. Vyas says:

"As the General Medical Council refuses to recognise the qualifications conferred by our Universities, it follows that we should have a minimum standard of our own which, when recognised by the proposed Indian Medical Council, shall be sufficient for entry into All-India Services and other purposes."

This is what he stated and the Conference considered. From the point of view of India's requirements, if a Council is to be formed, it should be entirely independent of the General Medical Council. Secondly, with regard to the question of reciprocity again, I would like to say that the Bill has not been drawn in accordance with the decisions of that Conference, because in clauses 7 and 8 they state as follows. Clause 7 says:

"Europeans who have degrees which entitled them to be registered on the General Medical Council up to this time should also *ipso facto* come on the Register. Secondly, as regards non-Indian degrees and diplomas, the Indian Medical Council, may recognise such degrees and diplomas after satisfying itself about the standard and on conditions of reciprocity on the lines of the South African Medical Council".

One important point we have to notice is this. In the present Bill they have substituted for persons, which is found in clause 7, qualifications and then they have omitted "up to the passing of this Act", that is, up to this time. These two important omissions have rendered the provisions of the present Bill something entirely different from what was contemplated by the Conference. I would strengthen my position by a reference to the views expressed by the Government of Madras on this provision, because this provision about reciprocity is the basic principle on which a Council

of this description can be hoped to be established. The Government of Madras state as follows:

"The provision in clause 19 (1) of the Bill is not in conformity with the conclusions of the Conference held in June, 1930, on the question of reciprocal recognition. This obviously implies that Indians, with qualifications which entitle them to be registered on the General Medical Council, should *ipso facto* come on the Indian register, and that Europeans, who have degrees which entitle them to be registered on the General Medical Council, should also *ipso facto* come into the register. Clause 19(1) of the draft Bill requires that the medical qualifications granted by medical institutions outside British India which are included in Schedule II should be recognised medical qualifications for the purposes of this Act. This obviously implies that while no medical qualifications in India may be recognised by the General Medical Council, the All-India Medical Council will, from its very inception, be bound by an Act of the Indian Legislature to recognise not merely the qualifications granted in Great Britain and Ireland, but the qualifications granted in all the dominions as well as the medical qualifications of such places as Nova Scotia, Prince Edward Island, Malta, the Straits Settlements, etc., thus defeating the very object of this Act."

This is what the Madras Government say. Therefore, they would suggest that the conclusions of the Conference held in 1930 should be given effect to in their entirety, as reciprocity is the most vital point of the Bill. There is another fundamental point on which the provisions of this Bill entirely differ from the conclusions arrived at by the Simla Conference. The Simla Conference states that the faculties of any University, not being recognised by the Council for any reason, an appeal should lie to a tribunal consisting of one High Court Judge, one nominee of the Governor General and one representative of the Indian Medical Council. That is the provision they have given for appeals against this body. This has also not been embodied in the Bill. They wanted that powers of the General Medical Council, under sections 18, 20 and 21 of the British Medical Act, should also be powers for the Indian Council. Thus it would seem that the provisions of this Bill cannot be said to be in accordance with the decisions of the Simla Conference.

With regard to the claim of the Government that they have framed the provisions of this Bill in accordance with the opinion expressed by the Local Governments on these points, I venture to submit that the opinions of the Local Governments are at variance with the provisions of this Bill. I have carefully perused the opinions received on the draft that was circulated by the Government of India and, without going into details, I would like broadly to mention the fact that the general conclusions which the various Provincial Governments have come to on all the five broad points referred to them in the draft are not in accordance with the provisions of this Bill. A perusal of the letter of the Government of India to the Local Governments and a perusal of the draft of 1931, which was circulated to the Local Governments for eliciting their opinion, would show that the Government of India have definitely formed certain opinions themselves as regards the constitution and composition of this Council. They wanted that the Local Governments should give expression to their opinions not in any way they liked, but in a way in which the Government of India would present the case before them. They stated in their letter,—take for instance, by way of illustration, clause 3,—that under clause 3, the President of the Medical Council should be perpetually nominated, and then the Government gave an alternative to clause 3 as clause 3A under which he could be elected after five years. The Local Governments were asked as to whether they would be agreeable to the President being perpetually nominated, or whether the President should be elected after the first period of five years. The question of election from the start was

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not put to them. Then, again, we find that the Government of India desire the Local Governments to express their opinion on the point whether the University should form a unit of representation, or whether the province should form a unit of representation. Thirdly, they were asked for their opinion as to whether the election to this body should be direct or indirect. I have tried to classify the opinions received and I have before me a tabular statement. From this I find that the Government of Madras have expressed their willingness to accept clause 3A, that is, election of the President after the first five years. Then they say that each University should have representation, and that the election by the graduates should be direct election; and, then, on the question of reciprocity and on the exclusion of the Andhra University, they specifically and strongly bring out the point that there is no justification for excluding the Andhra University. On the question of reciprocity, I have already stated that the view of the Madras Government was that the Government of India's position was not taken in accordance with the Simla Conference, but which ought to have been the case.

The United Provinces were likewise for election of the President after five years and for each University being represented, and not merely each province; they were also for direct election. The Central Provinces Government consider that the President should be elected after the first five years. The Government of Bihar and Orissa, ditto. Bombay also are for election of the President and also for two representatives from each province, and so on. Bengal, of course, is the only province among the major provinces which agree with the Government of India that the President should be perpetually nominated and that the unit should be the province, and that the election should be indirect election. Excepting for the province of Bengal, all the major provinces in India, as I have just now stated, even including Burma, are for the election of the President. There are, of course, provincial units like Ajmer-Merwara and the North-West Frontier Province which could not express any opinions on these points; they merely adopted the opinions which were expressed by some of the Civil Surgeons.

Therefore, to say, in the face of these expressions of opinions from the Local Governments, that the latter express their approval of the principles underlying the Bill, as is stated in the Statement of Objects and Reasons, is, I venture to submit, not correct, because the replies to the references to the Local Governments show that their opinions are not in accord with the provisions as embodied in the Bill.

Then, again, there is the point that the Government have chosen to call every one of these things as the principles of the Bill. The Government have stated in the Statement of Objects and Reasons that the Local Governments approve the principles underlying the Bill, and when the replies were to references on these points to the Local Governments, I must necessarily come to the conclusion that the Government of India look upon these aspects of composition as principles underlying the Bill. Sir, if these are the principles underlying the Bill, I venture to submit that I cannot accept them. Sir, one is, therefore, in great doubt as to what exactly are the principles underlying the Bill. Ordinarily, it is the preamble which sets out the principles underlying a Bill. But, in view of the statement that appeared in the Statement of Objects and Reasons,

and in view of the antecedents of the Government on Select Committees, I would venture to ask the Government, before I commit myself to the principles of the Bill, to give us a statement as to what exactly they consider the principles to be underlying this Bill. Sir, that is very important for us to know. Sir, as you know, we might like to change any of these points in Select Committee, but they might be refused by my Honourable friend, Sir Brojendra Mitter, as the President of the Select Committee, on the ground that they go against the root of the Bill or that they are the principles of the Bill. Sir, I would ask for a very clear statement as to what exactly they mean by "the principles underlying the Bill".

Sir, we know that all civilized countries have established Medical Councils of their own. We ourselves have established Provincial Medical Councils in this country, and we know generally what these Medical Councils stand for. Medical Councils are generally established with a view to bringing under control the education and activities of medical men with a view to ensuring their proper conduct and rectitude. It cannot be gainsaid that some sort of supervision over them is necessary, when such an important thing as life is handled by them. To use the well-known phrase, the "supervision, direction and control of medical education and conduct" would appear to be the legitimate purpose for which Medical Councils are constituted. Sir, if that is the purpose and if that is all that I am asked to commit myself to, I have no hesitation in saying at the very outset that I entirely agree with the principle that medical education should be supervised, and that superintendence, direction and control of medical education and profession, as also inspection, prescription and correction, are the legitimate purposes of such a Council. I am entirely agreeable to promote such a legitimate purpose. But the preamble here does not aim at so wide an object. The preamble here provides for a register for the higher-grade men in the profession, the higher minimum as they call it. In other words, they state that a register is to be opened for the medical graduates in this country and that is to be called the minimum.

Now, if the object of this Bill is merely to provide a register for the medical graduates of this country and if the object of this Bill is merely to take that register as the basis for schemes of reciprocity to be arranged by the Government of India with other Governments, I should consider that that cannot be the only purpose of a Medical Council. The purposes of a Medical Council are much wider than that. If it is only for this purpose that you want a Council, then why do you call it a Medical Council? Medical Councils have a meaning of their own. You can call it an examining Board if you like. It was stated, Sir, that sometime ago the Government of India also had that in mind, but the General Medical Council in England would not agree to it. It was remarked this morning that a Board of Inspectors was contemplated by the Government of India, but that Board did not find any favour with the General Medical Council in London. I may remark in parenthesis that the Government yet say that they had nothing to do with the General Medical Council. However, that may be, a Board of Inspectors would not meet the approval of the General Medical Council in London. Would an examining Board meet their approval when it is constituted for a limited purpose like that?



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Although it is not desirable that I should try to offer any detailed criticism on this Bill, I would like to point out four or five material points in order to show how I would like some of these matters to be cleared up if the Government would enable us to appreciate their view point. On the merits of these provisions the composition of this Medical Council or the examining Board, by whatever term you may choose to call it, is very important for our consideration, because the usefulness of that body can only be judged by the way in which it is constituted and by the class of people with whom it is composed. Sir, according to this Bill a Medical Council is to be constituted with about 28 members of which 12 members are to be nominated by the Government. I find from the letter of the Government of India to His Majesty's Under-Secretary of State for India, dated the 3rd September, 1931, that these nominated members are to be the I. M. S. officers. I will read to the House the relevant passage, because it is useful not only for this purpose, but also it will be useful for some other purpose to which I will refer later on. This is what the letter says:

"As the new Bill contains no clause corresponding to clause 12 of the previous Bill, under which practitioners who did not enrol themselves on the Council and were not specially exempted would have been denied certain important privileges, the only disability from which R. A. M. C. and I. M. S. officers will suffer, if they do not enrol themselves on the Council, is that, under clause 5(2) of the Bill, they will be debarred from membership of the Council. This scarcely concerns R. A. M. C. officers, who are not employed on civil duties and would not be likely to be elected or nominated to the Council. The position of I. M. S. officers, at least those in civil employ, is different, as they at present hold the highest medical appointments under Local Governments and it is probable that Local Governments would desire to nominate the holders of such posts to represent them on the Council. If, however, it should be found that they or any officer of the R. A. M. C. should be appointed to the Council, the Government of India see no reason why they should not be required to enrol themselves on it, if it is decided that registration fees should be charged, themselves to pay those fees, which are not likely to be large unless their Local Governments agree to pay the cost on their behalf."

It is quite clear from this letter what class of persons the Government of India desire to be nominated by the Local Governments to serve on these Councils and how they would even pay for their registration. It is common knowledge that nominations, which are reserved generally to the Government in England, are to enable the Government to find also places for non-official non-medical men on these Councils. I understand the practice obtaining in England is that nominations are used even in a matter like the Medical Council with this end in view as it is highly desirable to associate the public, as represented by non-medical non-officials, with them at least by one or two. But, Sir, the position here is entirely different. They want to find these 12 nominated places under this constitution for the I. M. S. officers as is stated in the letter I have just quoted. The next group for this Council comes from the Universities. There are to be eight representatives from these Universities. Each University is not to have a representation, but each province is to be a unit for the purpose of sending these representatives and this work is to be done by the Medical Faculties. The number of members on the Medical Faculties in India comes to about 125. They are divided between different Universities as follows:

Madras 6, Bombay 25, Calcutta 17, Lucknow 17, Punjab 13.  
Patna 10, Rangoon 19 and Andhra 3.

That comes to about 110. These few men are to select the other eight representatives to this Council. Out of these 110 or 120 men, nearly three-fourths of them are gazetted officers of the Government, of which, again, a large majority are I. M. S. officers themselves. In other words, 20 persons so nominated will, in all probability, be either I. M. S. officers or will be persons who are likely to promote the interests of the I. M. S. officers. Such being the case, it will be seen that out of 28, 20 members will practically be in the hands of the Government. I would ask the Government, if that is to be the constitution of the Medical Council, how can the Government of India ask us to lend our support for the formation of a Council which is to be constituted primarily and presumably in the interests of a service about whom we are suspicious. Sir, in these days, it is very surprising that the Government should ask for a body which is to consist of mostly nominated members. It is also very surprising that the Government themselves should have chosen to make a recommendation for the composition of an official body.

Then, Sir, the next important question is, as has been remarked by the Government of Madras, the basic principle on which the Medical Council is to function, that is the principle of reciprocity. Reciprocity is understood to mean that medical degrees of no country will be registrable in India unless countries whose nationals who would practise in India are allowed recognition of Indian degrees and diplomas in their own countries. That is how reciprocity is understood. Reciprocity, as I have stated, is the basic principle on which the Medical Council, if it is to be created, has to function. The Simla Conference laid that down as the basis. The Government of India altered their recommendation in two important and material particulars, namely, they substituted "qualifications" for "persons" and they have also omitted the words "up to the passing of the Act". These are two material points which entirely alter the whole basis of reciprocity under the provisions of this Bill. What is the explanation of the Government of India? They say that reciprocity is provided under this Bill. They have used the word "reciprocity" and that has evidently misled my Honourable friend, Dr. Dalal. Sir, if you turn to that aspect, you would find that powers to arrange schemes of reciprocity are provided in this Bill; that is to say, we recognise foreign degrees forthwith, while they do not recognise ours. Then, we beg them for a fair treatment. Supposing our prayers are not heeded by them, what is the remedy we have from the Government of India? They say, "All right, if they do not agree to your prayers, you have got the right of appeal to the Governor General in Council provided. You go to the Governor General and appeal to him." What does the Governor General do? He will intercede on their behalf and then ask the General Medical Council or some other foreign body which has refused recognition of our degrees to be fair to our men. Then they may agree to it or they may not agree. If they agree, well and good; if not, what will the Governor General do? If he agrees with the All-India Medical Council and if he is displeased with the General Medical Council for instance, he will say, "We have the right to amend the Schedule and we will omit some of their degrees from our Schedules". That is the remedy. That is some sort of a remedy, there can be no doubt, but do Government say that that is reciprocity? That is not reciprocity, whatever may be the merits of the remedy that they have provided

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on this question. Even the Government of India cannot say that this is reciprocity. Sir, the Government of India have been pleased to state that the Local Governments have been consulted in the matter and they have agreed to these principles underlying this Bill. I would invite the House to the opinions expressed by the Governments of Madras, United Provinces, Bihar and Orissa, Bombay and, even the Government of Bengal, on the question of reciprocity. They all demanded that absolute reciprocity should be the basis of this Council and they do not approve of clause 19 (1). I have already stated in another connection the opinions expressed by the Government of Madras on reciprocity when they said that clause 19 (1) of the Bill was not in conformity with the conclusions arrived at in Simla, and that Government said that the conclusions reached at the Conference should be given effect to in their entirety. But clause 19 (1), of course, is opposed to the decision of the Simla Conference. Thus, the Government of India want to constitute a Medical Council with a predominantly official element and presumably to be in large numbers manned by the Indian Medical Service. Would such a body, in all probability, take the Indian view if it is a question between them and the General Medical Council in England? Suppose, the matter is referred to the Governor General-in-Council. What does the Governor General-in-Council do? The Governor General also must have a strong idea of protecting Indian interests as against English interests.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** That is very unfair. The subject of medicine has never been said to be one of the subjects which needs the protection of the Governor General specially.

**Mr. B. Sitaramaraju:** What I was saying is this. When I was dealing with the composition, I stated that 12 are to be nominated by the Local Governments. In the letter which was written to His Majesty's Government they stated clearly that presumably I. M. S. officers will be nominated for these 12 posts; and, therefore, 12 will be purely I. M. S. officers. Then, again, I took the members to be represented by the Universities, and when I calculated the strength of the Medical Faculties, I calculated that three out of four of them were gazetted officers, which also would mean I. M. S. officers. Therefore, I concluded that the majority of the Council, as proposed now, would be purely a body of I.M.S. men or a purely official body. I have made no charge against Government or the Governor General-in-Council. We have to depend first upon a purely official body according to the proposal here and then we have to depend upon the Governor General-in-Council to protect Indian interests, because the Medical Council itself has not got the power. Their power is only to recommend the action to be taken.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** By you. The Governor General-in-Council acts on the advice of the Minister responsible to the Legislature, which, I assume, is you.

**Mr. B. Sitaramaraju:** That is not the position in the present constitution.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** I thought we were talking of the reforms in the near future.

**Mr. B. Sitaramaraju:** You cannot have it both ways. If you are considering the future reformed constitution, where is the hurry? You can very well leave this matter to be decided by the future reformed Legislature.

Then comes another question—whether this register would include the licentiates or not? Sir, that question brings us to the question, what is the purpose of this Bill? Is it the purpose of this Bill to provide a register for qualified men, so that the public may judge who are qualified and who are not qualified. If a register is to be opened only for the qualified men, then all men, acknowledged to be qualified, must be there. I should like to invite the attention of Honourable Members of this House to the opinion expressed by the Member in charge of the Government of Bombay, Medical Department, where he says:

“I am to add that the views held by the Honourable the General Member of the Government of Bombay, who is in charge of the subject of ‘Regulation of medical and other professional qualifications and standards’, differ from those (above) on the following important point :

‘The Honourable Member considers that the preamble should be amplified to show one object of the Bill to be the enabling of persons requiring medical aid to distinguish qualified from unqualified practitioners.’”

That is the opinion expressed by the Member-in-charge of the Bill. Sir, it is unnecessary for me to refer to opinions expressed by members of the medical profession, because all the Members are fully aware that the present Bill has created a storm in their ranks, and the medical profession today is against the provisions of the Bill from top to bottom. Sir, is it intended to open a register with a view to making a distinction between the qualified and the unqualified? Originally, in the draft Bill of 1928, the Government of India had stated this wider aspect of the Medical Council and they had given the purposes for which a Medical Council was to be constituted. The purpose of the 1928 Bill was to establish a Medical Council to promote and effect the establishment of a uniform standard of qualifications such that the holders thereof should be acceptable and empowered to practise in India. This principle actually found a place in the draft Bill of 1931 which the Government of India had circulated to Local Governments. The preamble in the 1931 draft provided for the establishment of uniform minimum standards, such that persons attaining thereto shall be acceptable as medical practitioners throughout British India. These words ‘such that persons attaining thereto shall be acceptable as medical practitioners’ are omitted in the Bill before us.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Why?

**Mr. B. Sitaramaraju:** The reason is that when that is the main principle on which the Medical Council Bill was drafted and circulated by the Government of India in 1931, the Local Governments found that a large body of licentiates had been excluded and that they pointed out to the Government of India that it was absurd to exclude them. They said, your principle is to provide a register for qualified persons. The preamble says so, and yet you exclude a large body of qualified men. They said the draft was inconsistent. What did they do to rectify the blunder? Did they include the licentiates? No. But they removed the principle of the Bill instead and provided this Bill for higher standards. Sir, I can very well understand the point that if the licentiates are not qualified men,

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they must be excluded. If the Bill, as it is framed now, is to open a register only for medical graduates, the licentiates cannot reasonably complain if they are excluded, because they are not graduates. But the question is whether the principle of the Bill should be to distinguish the qualified from the unqualified or merely to provide a register for graduates. That the question of the inclusion of the licentiates in a register of this kind has brought the Government to a fix, I do admit. Whatever Government may say now about the object of the Bill, the purpose of this Bill, according to them, is primarily to secure some recognition from the General Medical Council, London, for Indian qualifications. It is very difficult for the licentiates to obtain recognition from Great Britain at this stage when our graduates' qualifications are in question. That being so, it is no doubt difficult to get recognition now for licentiates also. There is no meaning in excluding a large body of licentiates who are accepted in this country as qualified men in responsible positions. The Government of Madras have stated, so also have the Government of the United Provinces, that it is quite possible for us to include these licentiates in a separate Schedule in the register and, though, for the purpose of reciprocal treatment, they may be treated as ineligible now, they can be still there as a separate group in Schedule 3 for purposes of registration as qualified men. That is what the Madras Government say and that is what the Government of the United Provinces say.

**Mr. G. S. Bajpai:** Not the Government of the United Provinces, but the Government of Burma.

**Mr. B. Sitaramaraju:** I accept the correction. Sir, therefore, it would appear that to satisfy a large body of public opinion in this country a place for licentiates could be found as a separate group in the register and that, at the same time, it cannot create any difficulties for the Government to arrange for any scheme of reciprocity. That is a point for the Government to consider. This morning Mr. Bajpai made a remark that so far as the inclusion of the licentiates was concerned, only two Governments have expressed a view and the other Governments have not expressed any view. Moreover the reason why . . . . .

**Mr. G. S. Bajpai:** I am sorry to have to interrupt my Honourable friend again. I did not say that only two Governments had expressed a view. I said two Governments had expressed a view in favour of inclusion and the others have expressed a view against their inclusion.

**Mr. B. Sitaramaraju:** I am afraid I cannot take that statement, because either my understanding is wrong or my study of this subject has been wrong, as I find some Governments have not expressed any opinion either way on this point.

**An Honourable Member:** They have.

**Mr. B. Sitaramaraju:** That is not a very material point for the purpose of my argument. The Government have been taking the view that the licentiates should be excluded and the Provincial Governments were asked to say what they had to say on those five specific points I have already

mentioned. The narrow limitations, under which the Provincial Governments were expected to express their opinions, were such that it was very difficult for many provinces in India to hold a view opposite to and against the Government of India when the Government of India themselves had definitely expressed their opinion in their circular letter on the question of licentiates.

Before I conclude, I would like to offer one remark and that is, that this Bill is defective in one important way. This Bill has not made any provision by which medical practitioners in this country can be compelled to register themselves on this register. If they have not made any provision to compel people to register themselves, they have not equally provided any privileges for those having registered themselves there. In other words, . . . . .

**Mr. N. M. Joshi:** Do you want that to be done?

**Mr. B. Sitaramaraju:** You will just listen to me to the end and then you will know what I want to be done. Here the Government of India ask us to incur a large expenditure of money for the establishment of this Council and, then, they do not provide either privileges for the medical practitioners who wish to be there, nor do they compel persons to register on it. In the 1928 draft, they provided for those privileges which they have removed under the present Bill. Why did they do it? They did so, because it will be seen from the Government letter that the I. M. S. were not satisfied with it.

These privileges were provided in the 1928 Bill and these privileges are now removed to placate them. The letter says:

"As the new Bill contains no clause corresponding to clause 12 of the previous Bill, under which practitioners, who did not enrol themselves on the Council and were not specially exempted, would have been denied certain important privileges, the only disability from which R. A. M. C. and I. M. S. officers will suffer if they do not enrol themselves on the Council is that, under clause 5 (7) of the Bill, they will be debarred from membership of the Council."

Here, the Government of India say that they have omitted clause 12 from the present Bill and so there will not be any serious difficulties for the R. A. M. C. and I. M. S. officers, because they need not be compelled to be registered here. Now, I would like to observe that responsibilities must have corresponding privileges. You cannot have responsibility without corresponding privileges. If this Council is to be useful and if it should induce persons to enter the register, there must be privileges. What guarantee is there that anybody will come in and put himself into this register if he does not get any privileges? Why should a man put himself to so much expenditure and get on the register if the fact of his being on that register does not confer any advantages on him? In England, where they have got the Medical Council Acts, they have got certain privileges. Unless a person is registered, he is not qualified to be employed in the civil, military or naval service; nor will he be afforded the protection of the law; for instance, just like any other man he will be liable for manslaughter, but cannot claim immunity as a doctor and be protected. No certificate which he gives would be valid and he will not be allowed to handle dangerous drugs and so forth. These are the privileges which are conferred and these were the penalties if they did not register themselves. The only privilege, which I consider is to be found in this Bill,

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is that a person, if he is on the register, cannot be convicted of any improper conduct merely for the reason that he did not follow an up-to-date method. Therefore, the only privilege which this Bill provides is, that a person need not follow the latest methods of his science if he is on this list! If this Bill is to be useful, it must necessarily provide some inducement for members to join; otherwise, we will be wasting so much public funds for no useful purpose. Under these circumstances, before I resume my seat, I would ask Government to consider the various difficulties we are feeling. On the attitude, that the Government take with regard to these matters, will depend our attitude also. With these remarks, I close.

**Mr. F. E. James** (Madras: European): Mr. President, if I intervene in this debate at all, it is only to express the hope that the House, without any further considerable delay, will remit this Bill to a Select Committee. I have no particular qualification for speaking on a Bill of this character, as I am not a doctor, and I have not been, fortunately, particularly closely associated with the medical profession in this country. But I am definitely interested in the whole question of education generally and particularly of medical education and, therefore, I felt impelled to add my voice to those who are anxious to send this Bill to Select Committee. I was somewhat surprised to find that the burden of the opposition to this Bill came from the spokesmen of the Independent Party. No doubt that is partly because of the new orientation of politics which has taken place in this House and, I have no doubt, that it is because that particular party is desirous of moving a little higher in the ranks of the opposition . . . .

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadian Urban): What authority have you for making that statement?

**Sir Muhammad Yakub:** The authority of the *Hindustan Times*.

**Sir Cowasji Jehangir:** Does my Honourable friend always believe any statements made in the press?

**Sir Muhammad Yakub:** Do you consider that the paper is not worthy of belief or confidence?

**Mr. F. E. James:** . . . and I would like to congratulate the Deputy Leader of the Opposition on his exceedingly sensible and practical speech in support of the general provisions of this Bill; and I am glad to find—I do not know whether his star is declining—that, at any rate in this matter, I can hitch my wagon to his star. Now, if one does support a reference of this Bill to Select Committee and joins issue with the Independent Party, which apparently is determined to obstruct the passage of this Bill and make it impossible for it to be referred to a Select Committee in this Session, one does not do so entirely blindly.

I wish to put forward for the consideration of the members of the Select Committee one or two points which they might consider. In the first place, reference has already been made to the necessity of amending the clause which refers to the appointment of the official Chairman. I would suggest to the Select Committee that it is not necessary,

indeed it is not desirable, that the Chairman of this Council should permanently be one nominated by the Governor General, and I trust.—I am speaking in my own personal capacity,—that it will be found possible to reach an agreement in the Select Committee as to the election of a Chairman after a preliminary period of five or three years, as the case may be.

In the second place, with regard to the exclusion of licentiates from Schedule I, that, Sir, it seems to me at the present stage, is inevitable and is only right; but I do trust that some means will be found of not perpetuating a division between one class of the medical profession and another class. I have had some knowledge of the work of licentiates in many parts of the country, and I knew that their work has been of a very high order, and that in many parts of the country it has been their work which has done a great deal to keep the health statistics down, and, therefore, while I admit that under present conditions their inclusion in Schedule I would be unwise and undesirable . . . .

**An Honourable Member:** Why?

**Mr. F. E. James:** . . . . I trust that it will be possible in some way or other to recognise them either in the first instance by some form of registration in a separate Schedule or, as has been suggested by one or two Governments, by pressing upon Local Governments the importance of increasing the actual standard of education for the diploma of licentiates.

Now, Sir, there is one other point in regard to this Bill, and that is the question of the composition of the Council. I would suggest that three points particularly should be considered, and, in passing, I may say that, much has been said in criticism of the actual composition of the Council on the lines that it will be mainly an official body, particularly in its representatives from Provincial Councils. I might suggest that the best remedy for that is that possibly the constitution of some of the Provincial Councils should be amended so that actually in practice you would secure from Provincial Councils members who are not necessarily official members. But the three points, I wish to put forward, are these. First of all, some provision should be made at the very outset,—there may be constitutional difficulties, and I am not aware of them,—some provision should be made at the outset for the representation of Universities in Indian States. I feel that that is an important matter. It surely is important that the medical profession throughout India, not in British India alone, should reach the highest possible standard and should be uniform in its registration.

The second point is that, in considering the representatives of the medical practitioners, I fail to see why the qualifications should be laid down of five years' teaching experience. I would much prefer to see a qualification of ten years' actual practice as a medical practitioner, and possibly those, who will speak after me on behalf of Government, might explain why that provision has been made.

And the third point which I wish to put before the Select Committee is the suggestion that has already come from certain quarters, namely, that there should be representation of all Universities throughout the country on the Council, and not simply of those Universities which possess only medical faculties. I should like again to have that point referred to by subsequent speakers on the Government side, as I have



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not been clear in my own mind why the same principles, which are followed in England, should not be followed here in regard to the composition of the Council from the University end.

There is only one final point I should like to make, and it is this. The inauguration of this Medical Council on the showing of Government itself is to involve expenditure. I find it is estimated that between Rs. 80,000 and Rs. 90,000 per annum will be the probable expenditure of this Council. I hope that certainly a portion of this money will be recovered in the form of registration fees. I believe that the General Medical Council in England is no charge whatsoever upon the general revenues of the country. While that may not be possible in this country at the present stage, inasmuch as the Council is bound to be at the beginning to involve some charge upon general revenues, I hope the organization of the Council will be as economical as possible. With these brief suggestions, Sir, I strongly support the motion for Select Committee, and I believe that those who are obstructing its passage are doing a great disservice to the medical services in this country.

**Diwan Bahadur A. Ramaswami Mudaliar:** Mr. Deputy President, I wish to remove at once a misapprehension into which my friend, Mr. James, has fallen as regards the attitude of those who sit on this side of the House. I do not think it is quite fair to say that we are trying to obstruct the passage of this Bill, but we do want a very critical examination to be brought to bear on the substance of this Bill, and to that extent, I congratulate my friend, Mr. James, on the speech that he has just made, though he has confined himself to very narrow limits in his criticism.

Mr. Deputy President, as I was listening to the speech of the Honourable the Mover of the Bill, I felt terribly tempted to accept all that he said, because he put it in such persuasive terms, but, I think, bereft of that glamour that one feels when one is actually listening to the eloquence of the spoken word, it will not be acceptable in reality. My friend was a little vigorous, though he was perfectly within his right, in his condemnation of those who had criticised the principles of this Bill in the Press and of those associations which had come forward and said that the Bill did not embody correct principles. I believe,—if I am quoting him aright,—he said that their criticism was vigorous and not altogether judicious, that they ascribed a certain amount of servility on the part of the Government of India to the General Medical Council. I believe that my friend will be the first to recognise that, while he is deprecating criticism which is unbounded and unmeasured, he ought also to be fair to those who are criticising him. I ask my friend whether he has not given just a little bit of justification for that criticism in the country. There is no doubt—and I have been going through these papers for the last two days—there is no doubt that responsible public men, responsible associations, responsible groups of medical men are entirely of that opinion, namely, that somehow or other the Government of India have succumbed to the magnificent authority of the General Medical Council, that they have approached it with bated breath and whispering humbleness, that they find themselves overawed by that great body which sits in supreme judgment over questions relating to medical education or the medical profession. Let my Honourable friend

turn to the letter which, not he perhaps, but his Department addressed to the Under-Secretary of State, and let us see whether that letter gives any justification for the impression that the members of the medical profession generally have formed about the attitude of the Government in this matter. The last paragraph of that letter says:

"The Government of India would be glad if *the Bill with connected papers could now be referred to the General Medical Council* with the request that they will be good enough to offer their detailed opinion on it."

I ask my Honourable friend whether he can give a single precedent of a whole Bill being referred by a responsible Legislature or a Department working on behalf of a responsible Legislature to an outside body, sending it in with connected papers in a golden tray on behalf of the Government of India, asking them to give their opinion on that matter, waiting with bated breath again to see what that criticism is and what that opinion is? What was the necessity for sending them the whole Bill? Was it justified? Would it not have been sufficient if you had merely entered into correspondence with them? My Honourable friend in charge of the Department is not on non-speaking terms with them as one of my friends put it. You are certainly on speaking terms with them, and it was quite open to you to address a letter to them asking them what proposals they would like to make with reference to the constitution of an All-India Medical Council. It was open to you to have suggested to them: "We propose to constitute an All-India Medical Council. Would that be sufficient for arranging reciprocity?"; never mind what their opinion is on that. But you tell them: "This is the composition of our Council. We are going to have eight nominated members, we are going to have faculties to elect representatives and not medical graduates, we are going to have three men nominated by the Government of India, we are going to give this function to the Council and we are going to charge fees to this extent"—send the whole Bill to the General Medical Council with connected papers forsooth, and ask for their opinion; you then come round here and find fault with those people who say that the Government of India are servile, that they have cowed to the General Medical Council! Surely the Government of India ought to have at least not published this particular letter to the Under Secretary of State if they wanted to keep up the pretence that they have been as fair, as independent, as dignified in their dealings with the General Medical Council as they want the public to believe. That is, however, a very small matter. I am not here to make debating points, because I am so interested in this Bill, I feel that this Bill is so vitally important that I should not allow myself to make any debating point whatsoever. But when my Honourable friend, castigates the whole body of critics by the phrase that they are not judicious, I feel bound on their behalf,—after all they cannot give an answer on the floor of the House—I feel bound on their behalf to enter a gentle caveat against that aspersion.

Let me turn to one very small point and dispose of it as a preliminary. My Honourable friend who moved for the circulation of the Bill said that it might be taken up afterwards when the federation is formed. And my friend, Mr. James, also fell into the error of suggesting that Indian States may be brought into this Bill and that medical institutions in Indian States may be covered by this measure. They have entirely forgotten that under our present constitution we cannot enact a law which will be in operation beyond the limits of British India, and, in the future constitution, to which

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reference was made, we cannot do this either; because, in this particular respect, the States have not come into the Federation. We made a suggestion, you will find it in the Schedules that are annexed to the Federal Structure Committee. . . .

**Mr. F. E. James:** May I say that some of the Indian States are represented on the Council of Agricultural Research, and in the same way I suggested that the Indian States might be represented on the All-India Medical Council.

**Diwan Bahadur A. Ramaswami Mudaliar:** But not by a Statute of the Indian Legislature. You can form any number of *ad hoc* bodies by executive order, but when you bring in a Bill before the Legislature and ask the Legislature to legislate on it, you have no power to legislate for something outside British India. Neither can you do it under the new constitution, because, as I was pointing out, the States have not agreed to make this a federal subject. We threw out a suggestion to them that so far as higher education and university education was concerned, it might be necessary for certain purposes to bring them under the control of the Federal Legislature, but they were not agreeable to it. You will find that suggestion thrown out in the Sub-Committee's report which sat over this subject in connection with the Federal Structure Committee, and, in spite of that suggestion, the States have kept to their own opinion that they will not come in. Mysore and Hyderabad are the States which are concerned with this subject, and if they do not want to come in, we cannot surely help them. That is the short answer I can give to that point. They will not come into the scheme of supervision, they will not come into the scheme of contribution, they will not subject themselves to any of these things, and I do not see how we can help them at all until they revise their opinion and agree to come into this scheme.

Let me come to the Bill direct. My Honourable friend, Mr. Maswood Ahmad, complained that this Bill was changed, and one of the grounds which he put forward for the circulation of the Bill was that it was so vitally changed that it ought to go back to public opinion. My complaint is just the reverse. I complain that this Bill has not been changed. My complaint is that this Bill is virtually the same, except for a substantial modification of the preamble, as that which was circulated in August, 1931, to the Local Governments and local bodies for opinion. I complain that it is playing with these bodies if, after getting their opinions, you introduce this Bill substantially in the same terms in which you circulated it. Did you intend to benefit by their opinions or not? I can understand opinions being got after the Bill is introduced in the Assembly in which case, of course, you can only change the Bill in the Select Committee. But here you go out of your way, you frame a Bill, you circulate it for public opinion before you think of introducing it in the Legislative Assembly, presumably, willing to modify the Bill in the light of that opinion, and, as I shall show presently, even when that opinion is unanimous in several respects, you come to this House with that Bill absolutely unchanged except for very minor purposes and except in one essential—the preamble which I cannot understand how you possibly put into your original Bill at all—you come to this Assembly with the identical Bill and say you have done your duty. My complaint, therefore, is, you ought to have taken into

consideration the opinions that were given by these bodies, which you yourself asked for, specially the opinions of the Local Governments which you invited by putting alternatives before them, and that you should have modified the Bill in the light of those opinions. There may be very good technical reasons, I was about to say tactical reasons, why that has not been done. But I can only go by the face of the record, and I say it is not fair to those whose opinion you have called for and who have taken considerable pains in giving those opinions.

As regards the measure itself, my Honourable friend, Dr. Dalal, went into ecstasies over this Bill. He was not able to find any single defect in it,—every comma, every semi-colon, every full stop he whole-heartedly supported. I do not possess any of the qualifications that he has; perhaps in his opinion I come under that designation, an “uncertified adventurer in the street.” He holds a more exalted rank, but I should have thought that he would be at least fair to his own profession. He typified three qualities in a Member of the Legislative Assembly. The first is a sense of duty. He feels that he is bound by his sense of duty, as a Member of the Legislative Assembly, to support this law, even in respect of colons and semi-colons. I shall only ask him wait and see. This Government may not stand by you through thick and thin, as you are standing by this Government and by this measure. And you will find that your support, so generously, so enthusiastically and so overwhelmingly given to this Bill, may not be received in the same spirit by Government when the measure is before the Select Committee. When it comes back from the Select Committee, my Honourable friend will get up and stand in his place and bless the Bill as it has emerged, amended, from the Select Committee, in the same way as he has now blessed the Bill which is going to the Select Committee. (Laughter.) My Honourable friend has done his duty. We, some of us, have to do our duty. My Honourable friend then said that a Member of the Legislative Assembly should exercise a sense of responsibility. I would not be catching up the words and phrases of any Honourable Member in this House were I not convinced—whether it was his intention or not I cannot say, but at least the House must have so understood it—that there was an underlying implication that some other Honourable Member is an uncertified adventurer in the street, that he does not know how to do his duty, and that he does not have a sense of responsibility—that is how I understood Dr. Dalal’s speech.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Sir Hari Singh Gour.]

That is why I am at pains to show that, after all, there may not be the same aspect of affairs presented to every one of us with reference to these matters. What is the sense of responsibility that my Honourable friend, Dr. Dalal, has shown. He said that this Bill has been approved by the medical profession and that it has been approved by the public. I ventured to interrupt him and ask him whether his own medical profession stands by the recommendations of this Bill. He was pleased not to answer that question. If he had discharged his responsibility as a Member of the Legislative Assembly and if he had gone through these records as some of us have done, he would have seen . . . . .

**Dr. R. D. Dalal:** What I meant was that I should be the last man to mislead the House.

**Diwan Bahadur A. Ramaswami Mudaliar:** My Honourable friend was a very early speaker. He was not even the last speaker and, as I am going to show, he did mislead the House. The records are there. He was the very first man to mislead the House, not even the last. That is my complaint. He told us that this Bill had been approved by the public, that it had been approved by the various associations and that public opinion was behind this Bill. If I were given the time, I would show that not one of the vital principles of this Bill had been supported by any public opinion of any considerable nature. Let me go on to the Bill itself and show how the Bill merely reproduces what was circulated for opinion and has not taken into consideration the various suggestions that have been made by the public. Let me take up the question of the constitution of the Medical Council. Now, the constitution of this body is one of the vital things with reference to this Bill. My Honourable friend enthused over the nominated President. He said that the nominated President must be there if this Bill was to function satisfactorily, a nominated President with a sense of responsibility as all nominated members have, a nominated President nominated by the Government of India, who alone can discharge the duties satisfactorily, who will not be a practising member of the profession, who will pull up the various medical institutions all over the country and who will do this, that and the other thing. I was wondering whether the safeguards and the special powers proposed to be given to the Governor General were not a little less onerous than the wonderful powers that this President is going to have under this Bill. If the Executive Committee functions, you will find that the President will only do what the Executive Committee asks him to do and if my Honourable friend thinks that this President is going to be a super man and that nomination is the only badge of superiority, my friend will have to traverse a very very long ground indeed before he gets over his miasma about nomination and nominated members. I am not one of those who in this House have at any time decried the value which this House gets from Nominated Members. I never tried to make any distinction between Nominated and Elected Members. There have been occasions when Nominated Members have been run down, but I venture to put forward my record that I have not been one of those who have done so; but if my friend finds new virtues in nomination and thinks that nomination alone can secure the best and the most efficient men, I wish again to enter a very humble caveat against that proposition. Now, are the Local Governments less responsible than my friend, Dr. Dalal? Are the Faculties of Medicine less responsible than my friend, Dr. Dalal? Are the various Universities, that have been consulted, less responsible? My Honourable friend, the Member in charge, and my friend, the Mover of the Bill, have gone through these opinions. Do you not find that Government after Government have said that for the first five years, if you like, you may have a nominated President, but that afterwards there must be an elected President? Does Dr. Dalal think that these Governments are not responsible and, if they are not responsible in his opinion, does he think that these irresponsible Governments, that have made this absurd suggestion about an elected President, are going to nominate a better President? The Government tomorrow in the Select Committee may accept it. Does Dr. Dalal think that that indicates any lack of responsibility?

**Dr. R. D. Dalal:** I did not say that the President should be nominated perpetually.

**Diwan Bahadur A. Ramaswami Mudaliar:** I am very glad to hear that, and I hope that, as I proceed with my remarks, Dr. Dalal will try to remove some other misconceptions which we on this side of the House have formed about his speech and the exact meaning and connotation of what he said this morning. Therefore, let me proceed on that assumption, and I want the Honourable Member in charge to note, that even Dr. Dalal wants after five years the President to be elected. Now, let me come to the section relating to constitution. My Honourable friend, the Mover, said that in drafting this Bill he has closely followed the Conference resolutions of 1930 and the gentleman, who drafted the circular letter to various Governments and local bodies with a naivete, which I appreciate but cannot understand, has also suggested that in the draft Bill they have closely followed the resolutions of the Conference. Now, I can tell you in two short words how they have closely followed it with reference to the constitution. The Conference recommended that the President should be elected after five years. It said that one member should be nominated by Local Governments, that three members should be nominated by the Government of India. Then it made two other vital proposals for election by certain bodies. Now, the proposals about the President being nominated, about one member being nominated by each provincial Government and about three members being nominated by the Government of India—these are the things that have been accepted by this Bill and this is the extent to which the Bill has closely followed the opinion of the Conference of 1930. Surely, Sir, even the English language, which is liable to be interpreted in various ways, cannot stand the interpretation which Mr. Reid has put upon it when he says that the Bill has closely followed the provisions or the resolutions of the Conference of 1930. The Bill has not followed the conclusions of the Conference in any other respect. Is that complying with the resolutions of the Conference in letter or in spirit? It is these facts that make us suspect that there is something rotten in the provisions of this Bill.

Sir, there are two other questions which I should like to raise. There is only one province where there are two Faculties of Medicine. That is the province of Madras. I am aware that Madras is the Cinderella of all the provinces, so far as the Government of India is concerned. In spite of its present representation on the Treasury Benches, Madras has not made any headway at all. It stands where it was. The Director General of the Indian Medical Service has served in Madras at least for two or three years. The Honourable Member who had put his name to the Bill originally had had a whole career in the Madras Presidency. They are Honourable Members who have some knowledge of Madras. Am I to understand that in spite of that, the Honourable Member in charge of the Bill has been so hard hearted as to make a single exception in the case of the Madras Presidency? All over what—over one single member for the Andhra University. The skies will not come down, the whole fabric of this legislation will not go to pieces, even the General Medical Council will not raise its eyes in holy horror if the Andhra University were asked to send one little bit of a man to this All-India Medical Council. It stands to reason where there are two Faculties of Medicine as in Madras. It has got a wide area. Its population is extensive. Its educational standards are advanced.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** And membership of the Faculty is also very extensive.

**Diwan Bahadur A. Ramaswami Mudaliar:** I shall take up that observation almost immediately. The number is four and I was myself going to suggest that the number is ridiculously small. I was taking up the point of my Honourable friend that he wants the Faculties to be represented. I have not the slightest objection to altering that provision. It was not my point that the Faculty alone should elect. The Honourable Member had made his own choice. But whether it is the Faculty or the Senate, all I ask is, "give the Andhra University the representation that it rightly deserves, because it has got a College of its own, a Faculty of its own, a Syndicate of its own, and a Senate of its own. My Honourable friend, Mr. Sitaramaraju, read out a list of members of the various Faculties. Now, the reason why the Andhra University has only four and Madras University six is this . . . . .

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Has it only six?

**Diwan Bahadur A. Ramaswami Mudaliar:** Yes. Let me explain quite briefly the history of the Universities Act in this Presidency. Madras has gone ahead. The Sadler Commission was appointed to overhaul the Calcutta University. It reported about fifteen years ago. The province of Bengal stands where it did 15 years ago and no improvement has been possible with reference to the University of Calcutta. The Senate of the Calcutta University is an unreformed body. No other province has changed it in that way. Madras has gone ahead and the result is this. In the old University, every member of the Senate was assigned to a Faculty.

**Mr. N. M. Joshi:** Is it reform or reaction?

**Diwan Bahadur A. Ramaswami Mudaliar:** In the case of the older Universities my Honourable friend, Mr. Joshi, will find that it is reform if he will only follow my argument. In the older Universities, every member of the Senate was assigned to a Faculty, and gentlemen who had no academic qualifications at all and who were nominated by the Government were conveniently assigned to the Faculty of Arts as the most artistic thing to do under the circumstances. That is why those Faculties, as was the case with the Faculties in the Punjab, had 17 or 16 or 13 members. In Madras, there was reform. It was a different Senate. The latter is a governing body in which all kinds of people like myself are on. We constituted an academic Council to control the standards of education. Each of the Faculties is constituted not of the members of the Senate, but of the members of the academic Council, of persons with special knowledge: so that your 13 members of the Punjab cannot hold the candle to our six men,—not even to the four members of the Andhra University. We must consider the history of these things and not be confused by names apparently identical, but in reality vastly different—like the licentiates of the College of Physicians and Surgeons and the licentiates of the sub-assistant surgeon class. My Honourable friend has been in charge of education and, of course, I may be conveying coals to Newcastle—to use that old and vulgar metaphor—but I have tried to explain the position of the province of Madras. Sir, the Andhra University, having a Medical College of its own, a Faculty of its own, and discharging its own duties, does require representation by itself.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** It requires representation, but I do not see why by itself. It is better to co-operate with others.

**Diwan Bahadur A. Ramaswami Mudaliar:** Supposing you ask that the Medical College of Vizianagram under the Andhra University should improve its course of training or should have better clinical instruction given to it. Well, whom are you going to rely upon for its being carried out? If the Faculty had representation, you could ask for that representative; but out of the six and four, that is ten men of both Faculties, supposing Madras men alone are elected? What is the *raison d'être* of giving representation to the Faculties? You have said that the reason for that is that when a medical institute is sought to be pulled up, the member of the Faculty who is on the Governing Body here will know exactly the reasons why this thing is necessitated and will go back to that Faculty, to that institution and try to use his influence. If you put these two Faculties together and if Madras gentlemen were elected, what are you going to do in the matter of the informing the Andhra Faculty of Medicine and the Andhra University and, lastly, the Medical College at Vizianagram? The second point is, is it absolutely necessary to have representatives of the Faculties? I was having an open mind on the subject. Now that the Honourable Member in charge of this subject says that the Faculties are too small, I think I am becoming a convert to the idea that it should be enlarged and that the Senate of the University should be asked to send representatives, limited to medical men, rather than the Faculties.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Just for personal gain?

**Diwan Bahadur A. Ramaswami Mudaliar:** That is an even more mysterious observation than "personal game" as I thought I heard the Honourable Member say at first. I do not see what the personal gain is, and I do not know what the Honourable Member is referring to.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Personal to the province—not to you.

**Diwan Bahadur A. Ramaswami Mudaliar:** Certainly. Let me come to the next subject:

"One member from each provincial committee or Council, as constituted under section 11, to be elected from amongst these by the members of such committees."

Now, what is this Provincial Committee? It is the old Provincial Council, constituted under the various provisions of the Medical Councils Act, with the exception of those who are called the sub-assistant surgeon class and who are not holders of recognized medical qualifications. What is the composition of this Medical Council? Take one illustration—that of the Madras Medical Council. The latter consists of one nominated President, eight members nominated by the Local Government, and one member elected by those who possess British qualifications. That makes ten altogether. Then three members are elected by medical graduates and two members are elected by the licentiates. If the two members elected by the licentiates are left out, there is a strength of thirteen, of which nine members are nominated, one is a representative of the British



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medical profession and only three are representatives of the local graduates. I go back again to the point that these small bodies should not elect representatives. This is the body which is called upon to send representatives. What becomes of the whole profession? What becomes of the numerous graduates scattered all over the province? What right or voice have they in the matter and what is the recommendation of the 1930 Conference again? Did anybody at the Conference suggest that the Provincial Committee should send in their representative? The Honourable Sir Ghulam Hidayatullah was a member of the Conference—a very respectable and very respected gentleman. His opinion was that it should be left to the medical graduates. You sent the Bill to him, but he reiterates that opinion. So it is also from Province to Province, from Minister to Minister and from Member to Member. Let me take the opinion of the Punjab which, at least, I hope, will carry some weight with the Honourable Member.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** But they must say something sensible.

**Diwan Bahadur A. Ramaswami Mudaliar:** Yes, I am going to rely on the sense of the Punjab rather than on the sense of Madras; Madras stands so low today, and none to do it reverence.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Oh, no, no.

**Diwan Bahadur A. Ramaswami Mudaliar:** Now, the Inspector General of Civil Hospitals of the Punjab writes to say that: "the Punjab Medical Council has suggested the following changes in the Bill which have my full support". (Page 35 of the Opinions.) "The President of the All-India Medical Council should be nominated by the Governor General in Council for the first five years"—Secondly, after the word "provinces"—it is a question of nomination by provinces, add "not necessarily a Government official". The Punjab Medical Council says so, and an official, the Inspector General of Hospitals in the Punjab, says: "if you are going to give this power of nomination to the Government, at least make this possible, namely, that he need not be a Government official." It is not we who are singular in showing hesitation in accepting Government officials on this body. I have got the very high and influential authority of the Inspector General of Civil Hospitals—who tomorrow may be sitting in the distinguished place occupied by my Honourable friend, General Sir John Megaw—and he says: "please make it possible for the Local Governments to nominate a non-official". Then comes this section:

"One member from each province in which a provincial medical register is maintained elected from amongst themselves by persons enrolled on such register and holding qualifications in medicine granted or recognized by any British Indian University, etc."

They do not accept the proposal of the Provincial Medical Committee sending up a representative. They say it ought to be done by medical graduates on the roll, and the Inspector General of Civil Hospitals in the Punjab, one of the sensible people there, puts forward this recommendation that the suggestion of the Punjab Medical Council should be accepted.

**An Honourable Member:** Does he belong to the Punjab?

**Diwan Bahadur A. Ramaswami Mudaliar:** In any case he has been long enough in the Punjab, to become sensible.

Take, again, another opinion from the Punjab itself. I refer to page 28. It is that of an eminent body, a very sensible body, composing the Faculty of Medicine of the Punjab University. The following were present:

"Lieut.-Colonel J. J. Harper Nelson, Dean, in the Chair, Doctor Edith Brown, Lieut.-Colonel A. M. Dick, Lieut.-Colonel T. A. Hughes, Lieut.-Colonel P. B. Bharucha, Major S. N. Hayes, Doctor K. A. Rahman."

I hope Dr. Dalal will be sufficiently impressed by my reading out the names of the members of this Faculty. They want an elected President and not a nominated one. They have no faith in nominations. They want the elected graduates to elect one member.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** I thought you were going to tell us who is going to be returned—whether the graduates or the Provincial Medical Council?

**Diwan Bahadur A. Ramaswami Mudaliar:** That is just what I had been talking about?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** I thought you were going to tell us about the Punjab Government.

**Diwan Bahadur A. Ramaswami Mudaliar:** I was referring to the medical men in the Punjab and not the Government. But the Punjab Government, I mean my friend, the Honourable Sir Firoz Khan Noon, as he is today, puts in a plea for a perpetually nominated President.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Does he?

**Diwan Bahadur A. Ramaswami Mudaliar:** I believe so. That is the Punjab Government's view. I should be very glad if I am proved to be wrong in this particular respect. The Government of the Punjab says:

"With regard to clause (a) of sub-section (1) of section 3, it is considered desirable that the President of the Council should be nominated by the Governor General in Council."

But they also say that every Faculty should have the right of electing one member. The Punjab Government extends its support to the far off Andhra University in this respect.

Then, they say:

"It is preferable that one member should be elected not by the medical graduates of each Province where there is a medical register, but that in such Provinces there should be Provincial Committees and they should elect."

But mark the second paragraph:

"I am to add that the draft Bill was circulated as requested, and that the above views are those of the majority of the individuals and associations consulted, except that the various medical associations of this Province are in favour of the President of the Council being nominated by the Governor General for five years and, after that, elected, and that direct election by medical graduates with experience in the teaching of medicine is preferable to election by Provincial Committees."

[Diwan Bahadur A. Ramaswami Mudaliar.]

Now, Sir, I am not really going to depend far too much on mere opinions. After all, we have to decide this question by using our common-sense. What is the advantage of having a Provincial Committee under this constitution? It may be that when the Medical Councils in the various Provinces are reconstituted, as I hope they will be, there will not be quite the same objection. But, in the present circumstances, this proposal will find very little support. You are not going to get the co-operation of the medical profession and, mark my words, it is on the co-operation of the medical profession that the success of this Bill depends. What are you going to give them for getting registered? Absolutely nothing. What are the benefits that they are going to have by getting registered, because nothing else is going to be done under this Bill? Therefore, if you want the co-operation and the goodwill of these various bodies, the Universities, the medical institutions and the medical public, you must try to see that your Council is constituted in such a way that it can command the confidence of these bodies. But, by this constitution, I venture to submit respectfully, you are not going to achieve that object.

Let me now come to the second question which is equally vital, namely, the question of reciprocity. Now, I feel that this Bill does not provide for reciprocity at all. To speak of reciprocity under clause 19 is to evade the issue and, as Dr. Dalal put it very rightly, to mislead this House and the public on that very important question. My Honourable friend, Mr. Raju, was perfectly right when he said, where was the reciprocity under clause 19? You provide a schedule in which you say that all the qualifications registered in the Medical Register up to 1931 shall be recognised. You start with that. What are the new qualifications that the various British Medical Faculties or the various conjoint Boards may hereafter bring into existence; I do not know. The framers of the Bill seem to have a sort of idea that some new qualifications were going to be brought into existence hereafter, otherwise what is the meaning of it? We do not know whether there are any new qualifications to be brought into existence at all. You may take it for granted that no such qualifications will come into existence because there are a sufficient number of diplomas and degrees already in existence. Therefore, to start with, you give legislative and statutory sanction to the recognition of everybody for all time to come who possess these qualifications. Now, we have a provision that later, by some sort of means, this All-India Medical Council can ask the Governor General-in-Council to remove some particular qualifications. But the question for consideration is this and I would very respectfully ask the Honourable Member to consider it, that we are faced with a crisis today. He comes forward with this Bill, because we are faced with a crisis; we have altogether come to a deadlock in this matter. In 1930, the General Medical Council withdrew recognition. I can understand a provision like this if the General Medical Council had not moved in the matter. I could have understood it if there was a *status quo*, but the General Medical Council has taken the action. Our degrees are not recognised there and you come and say: "You recognise their degrees now". Is this reciprocity? Is this how you are going to arrange your affairs? You are giving away the authority to the General Medical Council. I wish that Sir John Megaw, who has spent his life in this country and has taken care of Indian medical education, will get up for once as an Indian officer and protest against this provision in the Bill. You are giving the

General Medical Council all the powers that they want. Where is the opportunity for such a successful handling of the matter that you may be thinking of? What is it that you have got up your sleeve? What is the threat that you can give back? What is the retaliation that you can offer for that is after all the essence of reciprocity? Of course, after the Council has been constituted, the Governor General-in-Council has certain powers: but he may or may not exercise them. Is that how you arrange your affairs? If this Bill is an urgent measure, as I believe it is, and if what Dr. Dalal said is going to happen in June, 1933, when even the conjoint Board will refuse admission to our boys, how are you going to solve this question by asking the Assembly to give legislative sanction to every diploma that has been given by the General Medical Council for all time to come and for all members of that body? That is relying on a possible power which may at some future time be given to the Governor General-in-Council. My Honourable friend says that the future Governor General-in-Council will be a responsible body. It may be or it may not be. At any rate, it is not going to be for the next two years. Are you going to sit quiet for two years without moving in the matter? Then, what is the justification for your bringing this Bill at all? Your clause about reciprocity is a delusion and a snare, and it will not do. I want to tell the public and to every Member in this House that if we pass this Bill with the Schedule, then we should give up all hope of reciprocity. Let it not be a fraud on the Statute-book. Let it not be said that we have some power to retaliate when, as a matter of fact, we have none whatsoever. Go back to your Conference of 1930 and ask the advice of the Ministers who then assembled: ask them what they had in their mind then. Their position was perfectly simple, perfectly natural and perfectly logical. They said that they accepted our degrees up to 1930. They put a certain number of men on their rolls and have recognised individuals and not degrees. We shall also recognise individuals. So, the names of persons on the General Medical Council register shall also automatically come here. For the rest let us leave it open. We do not bang the door, as the General Medical Council banged the door against us unceremoniously. Why, Sir, I have the authority of one of the most honoured and honourable politicians of Great Britain to say that the General Medical Council acted stupidly in this matter. What their own countrymen are saying about them, what they have got the courage to say about them, you and I have not the courage to say about the General Medical Council. We think somehow or other the whole scheme of things will break to pieces and medical education in this country will break down. Nothing of the sort. If you mean reciprocity, you must amend that Schedule so that the decisions of the Conference of 1930 may be incorporated there, so that the members who were qualified till 1930 should alone get into the Council, and, as regards others, let us keep the door open. Let an All-India Medical Council be constituted immediately by July or August of this year. Let it open negotiations with the General Medical Council and, on the basis of reciprocity, let all those who have been since registered by the General Medical Council be placed automatically in the all-India register, provided those qualifications and degrees which are recognised by the All-India Medical Council in this country are equally recognised by the General Medical Council.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty resumed the Chair.)]

[Diwan Bahadur A. Ramaswami Mudaliar.]

I ask Sir John Megaw in particular if he is going to make a speech, as I hope he will, whether he considers that this is an unreasonable proposition that I have put forward. I hope the House will have, if I do not have, the privilege of a straight answer to that question.

Now, Sir, let me dispose of a small point. There has been criticism about the Patna University, the Andhra University and the Rangoon University,—their degrees not being included in the Schedule. If my scheme of things is correct, there may be some reason for their exclusion from the Schedule at the present moment. I disagree with my friend so far. The reason may be this. The Government of India may say: "who are we to include them now in the Schedule? We are not the Medical Board; we are not the All-India Medical Council; we are not an expert body. We start where we left off in 1930 degrees and diplomas recognised by the General Medical Council for itself, individually of persons and the degrees of our Universities which were recognised then. After that there has been a gap; and what I expect the All-India Medical Council to do is, as soon as it is constituted, to go into the question of the Patna, Andhra and Rangoon Universities, get authoritative opinion from that Board and then immediately apply to the Governor General-in-Council and see that the Schedule is amended and these degrees are included. I feel that it may not be the reasonable position, that it may be logical position, provided of course that you accept the logic of my other contention that the Conference Resolution relating to persons only till 1930 be incorporated in the Schedule and not this provision of qualifications. Now, Sir, look at the absurdity to which we are driven by this measure. These qualifications refer, as many opinions have pointed out, not only to the United Kingdom, but to all the British possessions also; you have put them automatically there on the register and you say that they are there for all time to come till it is changed by the Government of India. I wonder whether those who drafted this Bill carefully went through the various Medical Council Acts of the various provinces. I wonder whether Dr. Dalal has done himself the duty and discharged the responsibility of going through not merely this Bill which he has blessed, but also the Medical Council Acts which were passed by various provincial Councils from the year 1912, to start with in Bombay right down to 1914 or 1917, etc. I take it that he has done so. Now, the Provincial Medical Councils Acts have provisions which, in some respects, conflict with the provisions of this Bill. What have you done to see that that conflict does not arise? Take this very question of reciprocity. I take section 20 of the Provincial Medical Councils Act, Madras:

"It shall be lawful for the Governor-in-Council by notification in the Fort St. George Gazette, to alter the Schedule provided, that no medical degree, diploma or certificate granted in any British colony or foreign country which does not recognise the medical degrees, diplomas or certificates of a British Indian Government or University shall be included in the Schedule."

The Provincial Act gave us the principle of reciprocity, at least so far as the British Dominions and foreign countries are concerned. You have taken it away by the Schedule. You have included all that in the Schedule; you have included all the diplomas that are to be found in that table of the Medical Council register. Did you think of its reaction on the Provincial Medical Councils Act? A local Act sanctioned by the Governor General of the day at the time has this power of retaliation and reciprocity at least with reference to British Dominions and foreign countries. And you come

forward and put specifically a section which you say deals with the principle of retaliation and reciprocity. It does nothing of the kind; it takes away even that protection of reciprocity which the local Council had.

Now, there are only one or two minor points which I should like to refer to. Take the question of the right of appeal. If a member is not registered, he has got a right of appeal. If he is convicted of some offence which contravenes the etiquette of the medical profession, he has got the right of appeal to your All-India Medical Council, but, under the Provincial Act, he has got the right of appeal to the Governor-in-Council. Therefore, it comes to this, that a gentleman, who has been convicted of an offence against the medical professional etiquette, may appeal to the Governor-in-Council so far as the Province is concerned. He may uphold the appeal; he may appeal to the All-India Medical Council who may not uphold the appeal. So you have got two distinct authorities settling this question by way of appeal, one including him in the All-India register, because it thinks that an offence has not been committed, and another excluding him from the Provincial register, because it thinks that the offence has been committed. Under clause 15(2) of the Bill:

"A person, whose name has been erased from the register in pursuance of a report of a Provincial Committee under sub-section (1), may appeal to the Council against the erasure."

Now, the Provincial Committee in the case of a graduate acts on the report of the Provincial Medical Council. It does not carry on an investigation by itself. The Provincial Medical Council has, for instance, condemned a man for covering. That is the sort of case which has arisen in my province at any rate. The Provincial Committee immediately reports to the All-India Council. His name is erased from the All-India register and he appeals to the All-India Council. The Council recognises the validity of the appeal and restores his name. Then, what happens, so far as the Provincial register is concerned? Is it binding on the Provincial register? Can he be removed or can he be kept on the Provincial register? The Provincial Medical Council will say, the right of appeal is governed by the Provincial Medical Act and the right of appeal is to the Governor-in-Council under section 18 of the Provincial Act:

"An appeal shall lie to the Governor-in-Council against every decision of the Council under section 13 or 16. Such appeal shall be preferred within three months from the date of the Council's decision."

So an anomaly would arise then, the Provincial medical register not having his name, the All-India medical register having his name or *vice versa* again. Therefore, it seems to me that although these may be minor points, they require looking into at the stage of the Select Committee so that these anomalies may be removed.

Sir, I do not want to go into the details of the Bill, but in clause 20 it is provided that:

"Every medical institution in British India which grants a recognised medical qualification shall furnish such information," etc.

Now, no medical institution grants a diploma or degree. I should like to draw the attention of the House to the definition of "medical institution":

"'medical institution' means any institution within or without British India which grants degrees, diplomas, etc."

[Diwan Bahadur A. Ramaswami Mudaliar.]

So that, according to your definition, a University is part of a medical institution instead of the medical institution being part of a University.

Now, Sir, I am afraid I have trespassed on the patience of the House much longer than I had intended to. There is only one small point which my friend, Mr. Raju, raised that I should like to make an observation upon. My Honourable friend read section 4 of the Medical Act, 1886, where there is provided a right of appeal to the Privy Council. It is perfectly true that the Privy Council does not mean the Judicial Committee of the Privy Council, but the Privy Council, as it is properly understood, that is to say, His Majesty's Councillors, His Majesty's Government of the day. Now, I take it that the Government of India have made an appeal to the Privy Council, or at any rate that they have appealed to the Secretary of State. If they have not, then my friend's criticism is perfectly right. If you understand the Privy Council to mean His Majesty's Government, then it is obvious that no local University can really appeal to that body, and that the most proper, the most authoritative and the most successful appellant can only be the Government of India. My friend was perfectly right, therefore, in asking whether you had exhausted that power. It is not a litigious propensity on my part to apply to the Secretary of State or to His Majesty's Government specifically under section 4 of the Medical Act, and say that we have been debarred by the General Medical Council of this right, and, therefore, please see that this right is restored to us, and I have got further proof as to why you should have done that and that it was a grave omission on your part.

Very recently at the Round Table Conference, the question of reciprocity, with reference to medical degrees, came up for consideration. In the report on commercial discriminations which dealt with this question, a paragraph appeared wherein it was said that pending an agreement with the All-India Medical Council the practitioners, registered by the General Medical Council, will have the right to practise in India. On that some of us raised the question whether, if you put the phrase "pending an agreement", you are not there—by removing the very power which the All-India Medical Council can possibly think of in successfully negotiating such an agreement. We suggested that the proper words should be "pending the institution or the constitution of an All-India Medical Council." The right to practise may be given to those who are registered in the British medical register. I have got here a cutting from the *British Medical Journal*, the January issue, which gives fairly clearly the debate on the point, and as it is not a very long extract, I should like to read it. The Journal begins by saying that both Britishers and Indians suffer under a delusion or a mistake and confuse very often the British Medical Association with the General Medical Council. So long as I am there in the distinguished company of Britishers, I do not mind:

"It is evident that some speakers, both British and Indian, were talking of the British Medical Association when the General Medical Council was what they had in mind. One British delegate said he desired to put it on record that in his opinion the British Medical Association had not been altogether wise in its handling of the Indian question, and another holding a still more important official position declared that Indians could rely on him not to take the side of the British Medical Association against India."

The first speaker was Lord Winterton, who was for a long time Parliamentary Under Secretary of State, and, if I may repeat his language, he said:

"I feel that the decision of the General Medical Council was quite stupid."

The second gentleman who held a very distinguished and responsible position was no less than the Right Honourable Sir Samuel Hoare. He said:

"On this point I will make myself an advocate of the Indian side, of India and of the Government of India and try to see that there was an agreement reached on reasonable terms with the General Medical Council."

These were statements made openly at the Conference. What goes on behind the screens, what happens in the green room we are unable to say or know.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** You will. by and by.

**Diwan Bahadur A. Ramaswami Mudaliar:** I hope so. But that is exactly my point. If only the Honourable Member will come forward, place all his cards on the table here and say "I am bound, I cannot proceed further, I feel myself helpless. Look at the communication I have received from the Secretary of State hauling me over the coals, because I have ventured to suggest that the right of reciprocity should inhere in the All-India Medical Council", then I would be the first man to say: "Perfectly right. You are clear of all blame. You are not a free agent in the matter, and I am bound to support you", but my Honourable friend would not do that. They (the Government) will not disclose their cards. They have got some code of official etiquette. What happens between them and the India Office is not disclosed to any of us. That is my complaint with reference to the Government of India. We get a certain impression when we are in England and we get whispers of a different impression at Delhi and Simla which is fair neither to the one authority nor the other, but let me proceed with this extract:

"The question of the conflict between the General Medical Council and the Indian Universities was raised by a prominent Indian, who took up a remark in one of the Committee reports that pending agreement between a Medical Council in India and the General Medical Council some special provision might be required regarding the right of practitioners registered in the United Kingdom to practise in India. A Bill is shortly to come before the Indian Legislative Council for the constitution of an Indian Medical Council and it is anticipated that it will lay down certain safeguards for medical education and regulate medical degrees in such a way that the constant disputes which have arisen with the General Medical Council in this country will be obviated. The demand of the Indians, as put forward by this speaker, was that if Medical education was to be standardised, this should be done through the Indian Medical Council, and he wanted to know what would happen supposing agreement between such a Council and the General Medical Council were not reached. He thought that it must be left to the good sense of the two bodies, the one in India and the other in England, to regulate the rights of practitioners on a basis of reciprocity. On the British side, from more than one quarter, it was pointed that nothing must be done legislatively which would give countenance to any suggestion that it was open to the Government of India so to discriminate against British Doctors that none would be available to deal with persons of British birth in India. The Indian Delegate who had spoken replied that he fully realised that Indian Graduates must come to British Universities for higher Medical Education and he disclaimed any desire on the part of India to penalise the British Practitioner; all that India desires in this matter was



[Diwan Bahadur A. Ramaswami Mudaliar.]

power to negotiate on a basis of reciprocity. Another Indian delegate expressed a strong view that the two bodies, in England and in India, should come to terms before the new Act, reached the Statute-book. He added that this medical question had reached considerable dimensions in India, and was becoming a first rate practical issue. The speeches on the British side were persuasive, begging the Indians to appreciate the British point of view even as their own was appreciated, and not to suggest that because India had failed to arrive at agreement with the General Medical Council, even though the fault might be with that body, therefore British residents or travellers in India were to be penalised and not allowed to have British Doctors. The short debate concluded with a promise on behalf of the India Office that it would do its best to secure a reasonable agreement before any new Act came into force."

This was re-inforced by Lord Irwin who said that if he were an Indian, he would give expression to the identical ideas that were given expression to by the Indian delegate on this question. That is the position, so far as the outside public is concerned.

Now, on that basis it seems to me that there is a reasonable chance of coming to an agreement with the General Medical Council. Do not spoil this chance, by having this statutory enactment now, for ever unalterable in practice, put on the Book—take it, that in this matter we, who are on this side of the House, and you, on the other side, are one. I know, if I have been harsh in my criticism, I never intended to be personal, I know that the Department is now being controlled by an Indian who, as my friend said, was quite recently a Minister in the Punjab, and we know how he has fought for the Indian cause all along. I have had expressions of opinion of those who attended the 1930 Conference and I venture to state that those expressions of opinions were in the highest laudatory terms of the manner in which Sir Fazl-i-Husain conducted the Conference and of the ideas that he gave to that Conference. I have no quarrel with you at all. I know that in your heart of hearts you would have said in stronger terms all that I have said this evening, and, therefore, I venture to think that you should arm yourself in any correspondence that you may carry on with the India Office and through the India Office with the General Medical Council, with the united opinion of this House on these matters. I venture to make one short appeal to that little but very distinguished group that sits on my left. This is not a racial question. This is not a question concerning England and India either. This is a question which concerns the good name of the Legislative Assembly first, and then the interests of thousands of medical graduates, and the prestige of our Universities. You and we work on those Universities; you and we have charge of the Faculties of Medicine. Many a distinguished member of the Indian Medical Service has devoted his life to education and has successfully trained scores and scores of medical graduates. Are you not proud of the products that have come through your hands and taken the degrees of those Universities and established a name and fame for themselves, even as some distinguished medical men in this House have done? If you have pride in them, you will fight for them. This is an Indian issue—an Indian issue in the sense that it submerges all distinctions of race, of colour and of creed, makes every one who is resident in India feel proud that this prerogative must be given to the country. They talk of medical Swaraj—I do not want to use terms which may be anathema to some of my distinguished friends on the other side; but I venture to think that in this small matter at least we must have our way—and that way is a respected and a respectable way. We are not asking that equality should be given or the distinction

should be recognised for all and sundry: we are going to put them through a sieve in as hard a manner as we can conceive that it should be done; your All-India Medical Council is not going to be a mere paper constitution, putting forward paper ideas, but is going to pull up the standards, and I say that it is time that you and we pulled together in this matter and tried to see that on this question at least the Indian Legislative Assembly, the Parliament of India, is one united whole, that there is no distinction between the Treasury Benches and the Opposition, but that we are all united in opposition to grave wrongs that have been done to our Universities and to our University graduates, and that we are determined to see that our rights are restored in the matter. Sir, I have done. (Cheers.)

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I suffer from considerable disadvantage having to follow closely on the previous speaker who has inundated us by his flood of eloquence. But, as I have chosen to speak on the Bill, I speak not as an "uncertified adventurer" in the streets, as Dr. Dalal would think some of us to be, but with all the prestige and authority of being a Member of this august Assembly. I approach this question with an open mind and I consider that it is better to look at it with an open mind, because I can afford to brush up cobwebs and the dust that might gather as we proceed with the progress of the Bill, rather than look at it with a closed pit mentality, an official mind which is impervious to fresh air and light to be thrown in it. My friend, Dr. Dalal, said that he has had experience of 34 years of official life; and it is just the reason why it is impossible for him to come out of that official rut and official mentality when approaching this question and has agreed to the passage of this Bill *in toto* without any modification at all.

The Honourable Member, who introduced this Bill has delivered a speech which is very clear and which appeared to be very convincing. He has stated that this Bill is not the outcome of the action taken by the General Medical Council of Great Britain, but this Bill had its origin and growth ever since the year 1910, and hence it is not such a precipitate measure as it has been reputed to be. By stating the chronology of the Bill, he has only side-tracked the issue. Of course in India medical education is a provincial subject and it has attained various degrees of efficiency in various provinces of India according as the province is more advanced or less advanced or according as it could spend money on medical education. In each province medical institutions have sprung up and medical faculties have been created. After the Montford reforms, the medical portfolio has become a transferred subject as well. Thanks to the forward policy pursued by the Ministers in various provinces, the Medical Department has been to a great extent Indianised. Now the time has arrived when it is essential and desirable that we should take stock, collect and collate all information and bring about uniformity in the educational standard and proficiency: hence it is no wonder that now and again a non-official Member of this House as well as a Member of the Council of State have brought forward legislation for the establishment of the Indian Medical Council and, for one reason or another, they were not able to see it through.

Apart from what the Honourable Member, who introduced this Bill, has said, there is no gainsaying the fact that this Bill has been hastened owing

[Mr. T. N. Ramakrishna Reddi.]

to the precipitate action of the General Medical Council of Great Britain. This is clear from the Statement of Objects and Reasons wherein it says :

"This has been partly due to the action of the General Medical Council in deciding in February, 1930, to withdraw temporarily the recognition of medical degrees of Indian Universities. By this action the international status of those degrees has been endangered ; therefore, to safeguard this status and to provide for the maintenance of uniform minimum standards of medical education in the country, it became imperative to resume the consideration of the proposal for the establishment of an All-India Medical Council."

This idea of object submission to the General Medical Council runs through the whole Bill and through every section of the Bill. This General Medical Council, under the British Act, is invested with the authority of refusing to grant any recognition to medical degrees obtained in India if they find that these degrees do not come up to sufficient standard of medical education entitling the holders thereof to prosecute any post-graduate study in Great Britain. For a long time in India medical education was in the hands of I.M.S. officers and so the General Medical Council was not taking so much interest in inspecting as it has been doing subsequently. But, after the Montford reforms, medical education became a transferred subject in the provinces and, as I said, the teaching profession has gone into the hands of Indians and hence they began to have a more thorough inspection by means of *ad hoc* committees and commissioners. A proposal to have a permanent Commissioner appointed to examine the Indian Universities was turned down by the Assembly and hence the General Medical Council of Great Britain refused recognition of the Indian degrees. The non-recognition of these degrees of the Indian Universities would not have affected us very much except with regard to certain medical graduates who have been practising in England and other Dominions. Even among them there are many Indians who have taken western degrees, and this disqualification would not have affected them also. On the other hand, if India had been a self-governing country, she would easily have retaliated and she would not have recognised the degrees of British Universities ; but, as it is not to be, we have to meekly submit to the present conditions. But the Government have unfortunately pocketed that insult instead of taking the matter up to the Privy Council, and they are now trying to further humiliate the country by introducing this Bill. I shall, Sir, during the course of my speech, prove how the present Bill, which ought to have been acceptable to the House and to the country, has certain objectionable features about it which make us hesitate to give our assent to it. The principal object of a Bill of this character, the principal object of an All-India Medical Council Bill which is to affect the whole of India, ought to be to control and supervise the standard of medical education and the professional qualifications with a view to assuring that the medical practitioners possess the necessary knowledge and skill to do their professional work satisfactorily. That should be the principal object of the Bill, because the medical education is in the hands of the Universities and of the Local Governments, and so, as I said, the object of this All-India Bill should be to supervise and control the standard of instruction and also to establish a certain minimum standard of qualification for all the provinces, so that persons attaining such standard may be acceptable as medical practitioners throughout India. The second object should be the granting of reciprocities to other countries of the privileges of the profession when those countries grant similar privileges to the graduates of our Universities. That

should have been the chief object of this Bill. In the preamble of the original Bill, which was introduced in 1931, the object was stated thus :

"for the maintenance of a register of a qualified practitioner of modern scientific medicine, in order to establish a uniform minimum standard of qualification in medicine for all provinces such that persons attaining thereto shall be acceptable as medical practitioners throughout British India."

and, so on. But, they have omitted in the Schedule the inclusion of degrees of certain Universities, namely, Andhra, Patna and Rangoon and the licentiate courses that are obtainable in India. That shows that the chief object is to placate the General Medical Council by not including any other degrees or licentiates except those medical degrees given by certain Universities which may be acceptable to the General Medical Council. There are a large number of licentiates, I believe there are about 20,000 licentiates or over, all over India. At present the Provincial Medical Councils have been given the statutory powers to direct medical instruction and conduct examinations and grant licences to practitioners. But, by this Bill, will have to disqualify such licentiates from admission to this register.

That means that when there are so many doctors who have obtained the licentiate diplomas and they have been recognised by the Provincial Medical Councils as fit to practise, as having the necessary minimum qualifications to practise, this Bill refuses to recognise them. Why should they not be recognised? Do the Government feel that, by recognising such degrees, there will be danger to the international recognition of the medical degrees of the Indian Universities? These licentiate diplomas and other degrees granted by various Universities, such as the Andhra, Patna and Rangoon Universities, have been treated to a much worse position than the licentiates of British Universities. In Great Britain, the L.S.A. courses or the L.R.C.P. courses, which are not regular degrees of Universities, have been accepted as fit for recognition by the General Medical Council, and our Government, in order to placate the General Medical Council, do not even bring the graduates of certain Universities such as Andhra, Patna and Rangoon, in line with them. That shows that the real object is not to have a minimum qualification of medical degrees as the preamble of the Bill seems to indicate, but to satisfy the General Medical Council of Great Britain.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 14th February, 1933.



# LEGISLATIVE ASSEMBLY.

*Tuesday, 14th February, 1933.*

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The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

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## MEMBER SWORN:

Mr. Ebenezer Simpson Millar, M.L.A. (Burma: European).

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## THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Workmen's Compensation Act, 1923.

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## THE LAND ACQUISITION (AMENDMENT) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Land Acquisition Act, 1894, for certain purposes.

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## THE AUXILIARY FORCE (AMENDMENT) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Auxiliary Force Act, 1920, for certain purposes.

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## THE PAYMENT OF WAGES BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour): Sir, I move:

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry be circulated for the purpose of eliciting opinion thereon."

[Sir Frank Noyce.]

This measure, which like most of the other measures that in my present capacity I have placed before this House, is the outcome of the recommendations of the Royal Commission on Labour and has a fairly long history behind it. The attention of the Government of India was first drawn to the question of regulating the practice of imposing fines on workmen as long ago as 1925. They consulted the Local Governments on the subject and collected a considerable amount of material. The result of this consultation showed that abuses were far from general, but that there were definite abuses was clearly established. At about the same period, the question of the payment of wages was raised by a private Bill in this House. That Bill was primarily designed to enforce a system of weekly payments in industry. It was finally withdrawn by its sponsor on the understanding that Government would investigate the subject. The Government had previously collected a considerable amount of material relating to the period by which wages were paid and the delays which accompanied their payment, and the results of that investigation were given to the Members of this House and to the public. By the time the Government of India were in a position to proceed, the Labour Commission were on the point of starting their labours and it seemed most desirable to secure their advice on these questions. The material collected was, therefore, placed at their disposal and the recommendations they made are available to Honourable Members in their report.

Briefly, the Whitley Commission contemplated legislation in regard to the payment of wages in three directions, namely, to regulate deduction from wages, to secure the prompt payment of wages, and to reduce in certain classes of factories the periods by which the wages are paid. This Bill, as the House will doubtless have observed, deals only with the first two of these purposes. It excludes the third, because that introduces questions and considerations on which the Local Governments and the public have not yet had an opportunity of pronouncing. These questions are more open, I think, to legitimate differences of opinion than those with which this Bill is concerned. For, while I hope that it is generally agreed that a worker's wages should be paid with reasonable promptitude and without unreasonable deductions, the fact that wages are in many cases paid at intervals of as long as a month apart is not, I think, usually regarded as an injustice. If it is to the disadvantage of workmen, they have not generally voiced it as a grievance. It may be the case that the reduction of the periods in such cases in the manner proposed by the Commission would be to the advantage of workmen, but that is a question on which we feel that it is necessary to secure the views of both employers and workmen. I can assure my Honourable friend, Mr. Joshi, who, I know, in these matters, does not consider that we go either fast enough or far enough, that we are taking early steps to do this, but we must do it before we can sponsor legislation on the subject in this House. Unfair deductions and delays in payment are, on the other hand, a cause both of hardship and bitterness. Sums that may seem small to those who impose them, delays that seem unimportant to those who cause them, may involve real distress to a workman; and even when they do not have that result, delays and, even more, unfair fines are a form of injustice which is apt to produce deep resentment on the part of those who suffer from them. The worker has at present no effective redress against a deduction unfairly imposed by an employer, or too often by a

subordinate of the employer or manager. Nor, short of a strike, has he any effective means of enforcing the payment of wages after he has earned them.

The Bill before the House has, therefore, two main purposes,—to secure the worker against unfair deductions of the wages paid to him, and to secure that those wages will be paid as soon as reasonably possible after they have been earned. The provisions, I hope, are straightforward, but I should like to invite special attention to the procedure which we have suggested in clauses 10 and 12. Instead of relying mainly on the form of prosecutions to ensure the observance of the law, we have put what may be described as the civil remedy first. The worker is to be given, in a non-criminal but simple proceeding, redress and compensation for the infringement of the law and a prosecution will only be resorted to after that proceeding has concluded and if sanction for it is expressly granted. Our intention is that the civil remedy should be the regular one and that prosecution should follow only after an infraction of the law is established and if a competent authority considers that the case is sufficiently serious to warrant that step. Our object is to prevent unnecessary harassment of employers; for we recognise that while the provisions of this Bill may be greatly needed in specific cases, the practices against which it is aimed are far from general. We want, therefore, to ensure that on the one hand our law will impose no burden on the employers (and I hope and believe they are the big majority) who pay their wages fully and promptly. For the same reason we have limited the initial operation of the Bill to those forms of industry where we believe it to be required. But we are equally anxious that where this measure is needed, it will be effective and that workers who have earned their wages can feel assured that they will get what they have earned and as soon as possible after it has been earned.

Sir, I move.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry be circulated for the purpose of eliciting opinion thereon."

**Mr. N. M. Joshi** (Nominated Non-Official): Mr. Deputy President, I have great pleasure in supporting the motion moved by the Honourable Member in charge of the Department of Industries and Labour. I am really glad that Government have introduced this measure, although I must confess that it is a measure which is long overdue.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): All labour legislation is in his opinion.

**Mr. N. M. Joshi**: The Honourable Member who made this motion has himself admitted that the question of deduction of fines from wages had been before the Government for nearly seven years and, if the Government have taken action after seven years, I am sure no one will accuse them of having been in a great hurry to bring forward a measure of this kind before the Legislature.

The Bill deals with the question of the payment of wages and deductions from wages. The Honourable Member who moved this Bill stated that some questions connected with the payment of wages, especially the



[Mr. N. M. Joshi.]

method of payment of wages, were being considered by Government and he assured the House that some of these questions at least would be brought before this House without much delay. But the question as regards the wages which is more important than the methods of payment is the regulation of wages itself and I would like to know from Government what steps they have taken to give effect to the recommendations of the Royal Commission on Labour as regards the regulation of wages. The Royal Commission has made certain recommendations for the establishment of minimum wages in certain industries. I should like to know what Government have done in that respect. The Royal Commission asked the Government to see that inquiries were made in the case of certain industries in which generally fixing of the minimum wage is necessary. I am anxious that this question, which is more important than the method of payment of wages, should be taken up by Government without delay.

Then, Sir, as regards the methods of payment, the Honourable Member has already dealt with the question of prompt payment of wages. He assures us that he is considering that question and will come to a decision at an early date. Then, there are one or two small points which I would like to bring to the notice of the Honourable Member. The Royal Commission had made a recommendation on page 121 of their report that the payment of wages should not be made on rest days or holidays. They found that in the coal mining area wages were paid generally on a Sunday with the result that the workmen generally lost the holiday altogether in receiving wages. They had to come to their mines from their villages and, then, as there are more than a thousand people to take the wages, the payment of wages took some time with the result that they lost the advantage of the holiday. Therefore, the Royal Commission recommended that the Government should first try to induce managers of mines to see that the payment is not made on holidays and, if the managers do not listen to that advice, they should introduce legislation prohibiting the payments of wages on holidays. This is what the Royal Commission has said:

"The matter is one that might be left to the initiative of the management, but if, after a reasonable time, payment on a rest day has not been discontinued, Government should take steps to prohibit the practice."

It is now more than two years since the report of the Royal Commission on Labour was published, and Government should be in a position to state now whether the managers have discontinued the practice or not and, if they find that it has not been discontinued, they should deal with them by way of legislation.

Then, Sir, out of the two questions with which the Bill deals, the first question is the payment of wages without delay. The Commission has recommended, on page 241 of their report, that this piece of legislation or this reform should be made applicable not only to factories, but to mines, railways, and plantations also. I do not know why the Government of India have confined this Bill for the present to factories only. This is what the Royal Commission says on page 241:

"In our opinion, the law should be applicable to factories, mines, railways and plantations and it should provide for possible extension to other branches of industry."

My own view is that, besides the industries mentioned by the Royal Commission, there are other industries to which the regulation in section should be made applicable such as tramways, docks and other organised industries. Now, as regards section 3 itself, the section carries out the recommendation of the Royal Commission that a delay of not more than seven days should be allowed before the wages are paid after they become due. My own view is that this period should have been even shorter than seven days. There is no reason why if, in other parts of the world, wages are paid very promptly, they should not be paid promptly in India and a delay of even seven days should be necessary. When we talk of reforms in labour legislation, we are told that Indian workers are quite different from the workers in other parts of the world and that a differential treatment is justified on account of the ignorance of the Indian workers or the inefficiency of the Indian workers. Now, the delay in payment is caused because of the inefficiency of the employers themselves and I hold that the employers' representatives in this House and the country generally will not admit that they are less efficient than the employers in other parts of the world. I, therefore, think that this period of seven days should be even shorter.

The other part of the Bill deals with the deduction by way of fine or deductions for damage or loss and deductions for services rendered by employers for workmen. Now, as regards this part of the Bill I would have liked Government to deal with one or two other matters which are similar in character. The Royal Commission had recommended that the employer should not be allowed to deduct certain advances which are made to the employees either by way of travelling expenses or for meeting their other expenses and the advance made should not be allowed to be recovered by more than one instalment. This is what the Royal Commission says on page 236:

"We recommend, therefore, that the recovery of any amount advanced to meet the expenses of recruitment of labour should be illegal and that, so far as other advances are concerned, no amount advanced, before actual employment begins should be recoverable except from the first wage payment."

I would like to know from Government whether they propose to deal with this question without delay.

There is another question which is similar in character. In Bombay in certain mills they make a rule that if a workman does not claim his wages and take them within six months after they are due, the wages are forfeited. There is no question of payment of wages here, but there is forfeiture of wages, that is, deduction of the whole amount of wages. Now, I want to know whether the Government propose to deal with that question also. Then, as regards this Bill itself, Government have again made it applicable to a few industries. As a matter of fact, in this matter I do not know why the Bill should be made applicable to only certain industries; the Bill should, I think, be made applicable to all workmen. In England, since 1896, they had the Truck Act which applies to all workmen; they did not confine it to only the organized industries.

Then, as regards the principle of the deduction from the wages of workmen, I hold a different view to the view expressed by the majority of the Members of the Royal Commission. I hold that no employer should be allowed to make any deductions from the wages of workmen either by way of fine as a measure of discipline or by way of a fine imposed for the

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losses sustained by employers on account of what is called defective work or even for what are called services rendered by the employer to the workmen.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Then how are the fines to be collected?

**Mr. N. M. Joshi:** I am against fines altogether. I do not want the employer to impose any fines; so there is no question of the collection of fines.

**Sir Cowasji Jehangir:** Will that apply to Government also?

**Mr. N. M. Joshi:** I said definitely that there is no reason why this Bill should be confined to certain classes of workmen only and not to all.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Then what punishment would you provide for breach of discipline?

**Mr. N. M. Joshi:** I am going to deal with that question. I am quite aware that people are generally worried as to how discipline is to be maintained if fines are not to be imposed or how Government can keep order without imprisonments. I am quite aware that there is a feeling that unless you have some drastic punishments imposed upon people, the people will not behave well.

**Sir Muhammad Yakub:** What about domestic servants?

**Mr. N. M. Joshi:** The Bill does not deal with domestic servants. I should certainly not object to domestic servants being included within the scope of this Bill. Now, this question of the maintenance of discipline by means of fines must be seriously considered by this House. I am certainly not against discipline. Men must be disciplined.—not only workmen, but all of us must be disciplined. But let us consider what is the best method of maintaining discipline. Is it the experience of the world that you must impose fines upon workmen in order to get better discipline? Is discipline actually secured in that way? Mr. Deputy President, that is not the experience of the world. The experience of the world shows that if you impose a fine, it causes irritation, it causes discontent, with the result that within a short time you have to impose a fine for the second time. Then you have again to fine a third time, and so on. Not only that, but the frequent imposition of fines leads to suspension of workmen and ultimately it leads to his dismissal. On this subject, Mr. Deputy President, I propose to read out the results of the experiences of people in England. I am now going to read a few extracts from the report of what is called the Truck Committee appointed by the British Government and which reported in the year 1908. I am reading from an extract from the Minority Report by Mrs. H. J. Tennant and Mr. Stephen Walsh, M.P. This is what they say:

"In our opinion, disciplinary fines fail in their purpose. We believe them to be not merely negative in good, but active in harm inasmuch as they maintain and even create the very situation they are designed to destroy. Irritating in their imposition and ineffective in their result, they occupy in the organization of industry, where they exist, a place that should be held by supervision. . . ."

**Sir Muhammad Yakub:** For whose benefit is all this?

**Mr. N. M. Joshi:**

"Our opinion is supported by the evidence of His Majesty's Inspectors of Factories, Miss Paterson, Miss Squire, Miss Deane and Miss Owner and by other witnesses. Replying to the Chairman, Miss Squire says :

"I should say, from my experience, that they are quite unnecessary; that if a foreman or forewoman knows his or her business, there is no need whatever for a disciplinary fine. I think that is exemplified in certain factories where there are a very large number of departments; and the departments all resemble one another very closely, perhaps 300 girls in each department, with someone in charge; the work is very similar. Each foreman or forewoman is provided with a book to register the fines for breaches of discipline. I found, on examining these books, that some forewomen will have their book almost filled up in six months, and others will never enter a fine of any kind; they are quite able to maintain discipline by their own influence."

Then, Sir, there is something more interesting from a teacher :

"Miss Tuckwell confirms this opinion from her experience in teaching as well as from her industrial experience :

"A good teacher can manage very well without punishments, whereas a bad teacher may be always punishing, and yet not secure good order."

**Sir Muhammad Yakub:** Mr. Deputy President, is it legitimate to go into the details of a Bill on a motion for circulation? Is this an occasion for making such a long speech and going into the details of the Bill? Is it not obstruction?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I have no reason to think that the Honourable Member is obstructing the business of the House.

**Mr. N. M. Joshi:** Mr. Deputy President, I may inform my old friend, Sir Muhammad Yakub, that I am not yet speaking on the details of the Bill; I am speaking on the general principle of the Bill as to whether discipline is to be secured by way of fines or not. Now, these are the opinions of inspectors of factories, but I shall now quote from the opinions of very prominent British employers. This is what Mr. Cadbury says. Mr. Cadbury is a very well-known employer: Sir Cowasji must have heard about him, and everybody must have heard about the famous Cadbury's chocolates. Mr. Cadbury describes in detail the supervisory system substituted for the system of fines, and he gives his experience of the results of the two systems. Fines, according to him, were "not in any way reformative" but "had practically no influence upon the character of offenders". "Such influence, as they had, was of the moment only. The system did not lead to efficiency, and did not weed out the real offenders." Asked what he would say upon the representation, frequently made to the Committee, that fines were almost a necessity in respect of late attendance, Mr. Cadbury replied :

"Our time-keeping has very much improved since we abolished fines."

In illustration of this improvement, he informed the Committee that "late-time" cases fell from 115 in the year 1900 to 33 in the year 1905. "Substantially we have eliminated lateness", he says :

"The cases of bad work fell from 129 in 1900 to 19 in 1905."

In Mr. Cadbury's opinion :

"it would have been impossible to effect this result by a system of fines."

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Now, Mr. Deputy President, these are the opinions of people who know their work in this matter. Personally I hold that the only way of maintaining discipline is by the employers showing a better example to their workmen themselves. A workman will understand supervision, guidance and example. If the employer goes late to the factory, the workman will go late. That is the experience not only of employers, but everywhere. If a father wants to teach discipline to the child, the father himself must be disciplined. Similarly, if a teacher wants to teach discipline to his pupils, the teacher himself must be disciplined. That, Mr. Deputy President, is the best way of maintaining discipline either by the parent or by the teacher or by the employer. The best way of maintaining discipline is to have a proper kind of supervisors who will maintain discipline by their example and not by means of punishments. Then, Mr. Deputy President, it is generally held by some people who feel that if you abolish fines, the employers will resort to some other punishments. They said they would suspend the offending workmen. But the employers are people who understand their interests. They know that frequent suspensions will cause inconvenience to them. If a man is suspended, his place cannot be taken by another. The whole machinery has to be kept going while a part of the machinery is not productively used. Then, it is held that if employers are not allowed to fine, they will dismiss the workmen. That fear too is groundless. As a matter of fact, Mr. Cadbury himself has stated that by the abolition of fines, his experience was that the dismissals also were reduced in number and it is the system of fines that accounts for dismissals. Mr. Deputy President, although I am tiring the patience of some Members here, I am tempted to read another small extract from Mr. Cadbury on this interesting subject:

"The reduction in the number of offences was accompanied by a reduction in the number of discharges."

So, if you reduce the occasions on which fines should be imposed, the number of discharges will also be reduced:

"The percentage of discharges under the system of fining had been double that under the reformed system."

Mr. Cadbury's carefully noted and tested experience, important in all respects, is of importance in this last respect more perhaps than in any other.

Now, Mr. Deputy President, I do not wish to tire the patience of the Members of the Assembly by reading out any more extracts on this subject. I am sure if the Members will consider this question seriously and if they really want that the workers in our industries should be disciplined, I feel sure they will come to the conclusion from what I have said and from what I have read that the best method of maintaining discipline in factories is to have proper kind of supervision. Now, the second occasion for deductions from wages is the fine imposed upon the workmen for the losses which the employers are said to sustain by the bad workmanship of the workmen. When you find an article spoilt, it is difficult to say whether it is spoilt by the fault of the workman or by the fault of the machinery or by the fault of the material. Take a piece of cloth which is spoilt. It may be spoilt, because the yarn was bad; it may have been spoilt, because there was some defect in the machinery

or in the loom. I am quite prepared to admit that on some occasions it may have been spoilt by the fault or negligence of the workman, but it is not an easy thing for an employer to find out whether the spoiling of the cloth was due to the fault of the workman. I, therefore, think that the employers should take these losses which are sometimes caused as the losses which are inherent or incidental to the business and, therefore, they must suffer these losses themselves. Now, we know ourselves that losses are caused not only by workmen, but by all classes of people who have got some responsibility. I shall give you the example of railways. On railways poor clerks in the goods sheds have to pay for losses by way of debits which are raised against them for having made some mistakes in calculating rates, distances, etc. Now, these poor clerks are made to suffer and are made to pay sometimes Rs. 10, Rs. 15 or even Rs. 20 a month. But are the losses caused only by the mistakes of clerks on our Indian Railways? Our Indian Railways have begun to lose nowadays and may I ask the Member in charge of the Railways whether he was not responsible for the management of our railways. If the railway rates were insufficient, was it not his duty to see that sufficient railway rates were imposed? If losses are caused, do we ask the Members of the Railway Board or the Member in charge of the Railways in the Government of India to pay for the losses sustained by the country? Certainly, they are equally responsible for the losses which are caused to the railways. If they had been more careful, there would not have been any losses in our railways. So, why not ask them to pay for the losses? Why ask poor clerks only to pay for the losses which the railways sustain on account of small mistakes in calculating the rates and the distances? I think it is a wrong principle to ask workmen to pay for the losses which are really incidental or inherent in the business and in the industrial work itself. I am not, therefore, in favour of allowing the employers to make any deductions from the wages of workmen on account of the losses which are said to be sustained by the employers on account of the bad workmanship of the employees.

Then, there is the question of deductions for what are called services rendered by the employers to the workmen. Now, there are various kinds of services which the employers are said to render to the workmen. Our clause 7 mentions deduction of wages in respect of housing accommodation, tool, raw material supplied by the employer. Here, too, in the case of tools and raw materials supplied by the employer, I do not know why there should be any deductions. It is the duty of the employer in the industry to supply raw material and also to supply tools and I do not know why any deduction should be made as a sort of rent for the tools with which the workman has to work. Personally, I do not know what tools and what raw materials are supplied by the employers in the industries to which the Bill applies. The Bill applies to factories and railways for the present and I should like to know what tools and what materials are supplied either by the factories or by the railways to the workmen for which they should be charged any fee or for which they should make any deduction from the wages of the workman. Then, as regards housing: if employers build houses and the employees voluntarily take them, the employers should recover rents from the employees as other landlords recover their rents from their tenants, and I do not know why the employers should be permitted to deduct rents of the houses which their employees occupy from their wages. Of course there are certain kinds of deductions in England which are made on account of certain insurance

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premia which the employers are allowed to make. Contributions of workmen for the unemployment insurance could certainly be deducted from the wages of the workmen.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Why do you allow a deduction of Rs. 25 for your house rent?

**Mr. N. M. Joshi:** I do not allow it: I simply tolerate it. This, Mr. Deputy President, is my view as regards the principle of this Bill. I am quite aware that I am tiring the patience of this House by going into this question in some detail, but I would, by your indulgence and by the indulgence of the House, make a few more remarks on the main clauses of this Bill.

Now, Sir, this Bill is based more or less, not very closely, upon the English Truck Act of 1896. But the proposed Bill has not made certain provisions to which I shall now refer very briefly. The English Act, while providing that fines should be deducted from the wages, has made a provision that if, by any act or omission, on the part of the employee, loss or inconvenience or hindrance is caused to his business or his business is interrupted, then only he should be allowed to deduct fines from his wages. This is sub-section 1 (c) of the Truck Act of 1896. Fines imposed under the contract are in respect of some act or omission which causes or is likely to cause damage or loss to the employer or interruption or loss or hindrance to his business. Our Bill does not make any provision of this kind. I think this provision is useful in restricting the power of the employer. Then the English Act provides that the fine should be reasonable and fair. I am quite aware, Sir, that our Bill has laid down maximum amount to be deducted from the wages of workmen by way of fine, but I feel that, even though the maximum may be fixed, it is useful to put in a clause that within the maximum the fine imposed should be reasonable and fair. Now, as regards the maximum itself, I feel that the maximum laid down by Government is somewhat higher. They have suggested that the maximum amount of fine to be deducted in a month should be half an anna in the rupee of the workmen's wages, which comes to more than three per cent. of the wages. The employers in Bombay, when they made their standard bye-laws, themselves proposed that the fines in a month should not exceed more than two per cent; and I do not know why Government should now recommend that the maximum amount of fine should be more than three per cent., while the employers themselves were quite content to have a maximum of two per cent.

**Mr. A. G. Glow** (Government of India: Nominated Official): Didn't the Royal Commission recommend that?

**Mr. N. M. Joshi:** Then, Sir, the Bill proposes that the fines should be allowed to be deducted in two instalments. I think this provision of deducting the fine in two instalments is not in the interest of the workmen, and the employers should not be allowed to make any deductions by instalments at all. If he has to deduct any fine from the wages, it should be done only in one instalment. If we allow instalments, the employers will only be tempted to impose higher fines. Then, Sir, the

English Act provides that particulars of his acts or of his omissions and particulars of the fine should be supplied to the workman himself. The Bill which is before us does not make any provision as regards that.

This is as regards deduction by way of fine for discipline. Then, as regards deductions for losses, the English Act has made a similar provision which our Bill has not made. The Bill does not even make a provision that notices as regards agreements between the employers and the employees giving the terms by which employers will be able to impose fines for losses should be exhibited. Our Bill does not make any provision for such notice. The English Act does make a provision compelling employers to exhibit notices giving the terms on which the contract is made in this respect. Then, Sir, the English Act provides that particulars should be supplied to the workman. These provisions are also applied in the English Act to the third class of payments, namely, for services rendered by the workman.

Sir, I do not wish now to go any more into these details. The English Act also makes certain more provisions. One of their provisions is that the Inspector of Factories or other inspectors, who have to deal with this work, should have power to ask employers to supply him with copies of the particulars of the agreement as well as particulars of the fines imposed upon the workmen. Our Act, I think, does not make that provision.

**Mr. A. G. Clow:** See section 9.

**Mr. N. M. Joshi:** Here the Inspector is authorised to make an examination. The English Act provides that the employer is bound to send him a copy. Sir, I have tried to examine it as carefully as I could in the short time at my disposal.

Then, as regards penalties, the Honourable Member in charge of the Bill stated that Government's intention was that people should, in the first instance, resort to the civil remedy provided for in the Bill. Sir, I am not very anxious that workmen should make criminal prosecutions against their employers. Therefore, we are quite prepared that the civil remedy may be utilised. At the same time, our Bill provides that if an employer is to be prosecuted, he must be prosecuted with the approval or consent or sanction of the Inspector. The English Act does not make sanction of the inspector necessary for a prosecution. Sir, these are some of the remarks which I wanted to make on the clauses of the Bill, and, with these remarks, I support the motion made by the Honourable Member.

**Mr. A. G. Clow:** Sir, I do not propose to follow my Honourable friend through all the details to which he has treated the House, nor to answer what would come to a very elaborate questionnaire if I collected all the questions which he put. I think his speech bore out the remark of my Honourable friend in charge of the Bill that Mr. Joshi always thinks that we are neither going far enough nor fast enough. And as regards speed I thought I detected an explanation in his speech when he said that the report of the Labour Commission, which was published in July, 1931, had now been published for more than two years. I wondered if time does not go a little faster for Mr. Joshi than it does for the rest of us, and if in consequence the movements of Government and of other persons do not appear to him to be unduly slow.



**Sir Cowasji Jehangir:** How many Bills have you moved since then?

**Mr. A. G. Olow:** About five or six.

**Sir Cowasji Jehangir:** How many more does Mr. Joshi want?

**Mr. A. G. Olow:** I do not propose, therefore, to go into the fairly numerous matters lying outside the scope of the Bill on which Mr. Joshi addressed questions. We published a short time ago a fairly large volume showing the action taken on each recommendation made by the Royal Commission; copies of that volume are in the Library and I shall be glad to give Mr. Joshi a spare copy if he so desires.

There have been three points raised, directly connected with the Bill, which seem to require comment. The first is the limitation of the provision for prompt payment to factories. We excluded mines and plantations in the first instance, because there is, I think, no evidence as yet that such provisions are needed there. As regards the railways, admittedly payments sometimes are delayed; but it is a very different matter dealing with workmen scattered over a railway line to dealing with workmen concentrated in a factory. I am glad to inform the House that the Railway Board and certain agents in co-operation have devoted a great deal of attention to this question of speeding up payments and have secured very encouraging results.

As regards the principle of the abolition of fines, I am afraid I was not convinced by the opinions that Mr. Joshi quoted from the British Truck Committee and elsewhere. The question whether fines should or should not be abolished is one on which admittedly opinions differ, but I could cite to the House opinions quite as weighty, on the other side. Indeed, if I remember rightly, the Truck Committee, to which those opinions were submitted, decided by a majority against the abolition of fines. Mr. Joshi gave us rather a lurid picture of the workman being fined again and again until the process culminated in his dismissal. But I think that if you abolish fining, it will probably result in his dismissal much more rapidly than it does at present. Nor, I think, did Mr. Joshi notice the little clause at the end of section 5 by which deductions by way of fine cannot go to the employer's benefit. If that provision is retained, what motive will there be for the employer imposing a fine if he does not honestly think that it is required, and what profit can be obtained from so doing?

Finally as regards losses caused by workmen, Mr. Joshi said, what is perfectly true, that in a number of cases it is not easy to say whether the losses arose actually through the fault of the workman. I think the answer to that is that the Bill is quite specific on the point and that it proposes that the employer should only be entitled to make a deduction if the loss arises by the neglect or default of the employed person. Sir I support the motion.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support the motion that the Bill be circulated for the purpose of eliciting opinion thereon and I agree with what has been urged by my friend, Mr. Joshi, in regard to workmen's difficulties, especially in the factories of Bombay. Until recent times, one had to wait for two months before one could get first month's wages and thus workmen's wages for a month were continually kept as a deposit almost till the time he left and many a times that amount was forfeited to the benefit of the employer. The same was the case in the matter of fines. It is very iniquitous

that the poor workmen should be fined for defective work. The defect may be due to many causes over which the operative may have no control. All these details, Sir, will have to be thrashed out when the Bill is moved for being sent to the Select Committee. Sir, I heartily support this motion for circulation.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is :

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

### THE INDIAN MEDICAL COUNCIL BILL.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The House will now resume consideration of the motion moved by Mr. G. S. Bajpai that the Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register, be referred to a Select Committee, and also the amendment moved thereon by Mr. Maswood Ahmad that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1933.

**Mr. T. N. Ramakrishna Reddi** (Madras coded Districts and Chittoor: Non-Muhammadian Rural): Sir, yesterday when the House rose for the day I was developing the point that the Bill sought to place the graduates of certain Universities and licentiates in India in a much inferior position to that of licentiates and apothecaries of Great Britain and other countries. I will speak with regard to the licenciates separately, but first I will take the Universities which have been excluded from the First Schedule to this Bill. Sir, I will only quote the opinion of an eminent Doctor from Bombay which has been circulated to us by the Government. He says :

"The First Schedule of the Bill gives the names of those Indian medical degrees which 'shall be recognised medical qualifications for the purposes of this Act'. From this Schedule, however, the Medical degrees of the Andhra, Patna and Rangoon Universities have been omitted. I am at a loss to understand the *raison d'être* of this action on the part of the Indian Government, which amounts to a slight on these Indian Universities. No explanation whatsoever for this extraordinary exclusion of these three Universities from the First Schedule is to be found either in the 'Note' on the various clauses to the Bill or in the covering letter of the Secretary to the Government (Department of Education, Health and Lands) explaining the scope of the Bill. It is well known that the medical examinations of all these universities have been inspected more than once by competent inspectors and that the 'sufficiency' of these examinations was well admitted by those inspectors. Major General Megaw (*Major General Sir John Megaw, whom I am glad to see in this House*), Major General Sprawson, Sir Frank Conner, and Colonel Dutton, who are Government officers on the active list, and who have held important teaching appointments in the various medical colleges were the inspectors for the medical examinations of these and other Indian universities. It would, therefore, seem as though this exclusion of these three Universities from recognition was merely to placate the General Medical Council, London, since no other satisfactory reason in explanation of such an action of Government is possible or forthcoming."

Then, Sir, it is unfortunate that my Honourable friend, Mr. Bajpai, who knows more of the disabilities of the Indians overseas than any other Member of this House should be responsible for piloting a legislation of this sort which gives a statutory recognition to the inferiority complex of the

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Indians in their own country. Sir, this is most humiliating. The Honourable Member in charge of the Department of Education, Health and Lands, in giving an interview to the Press reporters, said :

"The chief object of the Bill is of course to establish a register of medical practitioners who hold qualifications which are *likely*."

—I want to draw attention to the word *likely*—

"to be accepted by other countries as conforming to international standards."

It is not even "certainly", but "likely" to be acknowledged as proper degrees. Now, Sir, this disqualification affects only, as I said, about 300 and odd Indian doctors who have been practising in Great Britain or elsewhere and, perhaps, further, about 10 or 20 graduates who want to prosecute their post-graduate studies each year in foreign countries. I will not oppose any facilities being shown to our doctors abroad, but I will not be a party to a Bill which seeks to achieve such a thing at the sacrifice of the honour of the country and also at the expense of so many licentiates and graduates which the Indian Medical Boards and Universities have been turning out every year.

Now, Sir, the preamble of the Bill of 1931 is only a camouflage which the Government have changed now, and the present preamble is to provide for a register of higher grade qualified medical practitioners of modern scientific medicine in order to establish a uniform standard of higher qualifications of medicine. That is a preamble which is in consonance with the object of the present Bill. It clearly by itself does not include licentiates. I know Mr. Bajpai said yesterday that they neither seek nor secure any such result by this Bill. I know that it brushes aside a large number of medical licentiates and some graduates. But my objection still stands.

**12 Noon:** Now, does India want a Medical Council Bill with such narrow and limited scope, seeking international status only to graduates of certain Universities, and which benefit only a very few of those graduates who go abroad, or does India want a Medical Council Bill which should cover the whole of the medical profession in India, whether they are licentiates or graduates of the various Universities, and whether the Bill should be to fix the minimum standard of qualifications, so that the people might seek assistance of such qualified men, and thus provide the medical needs of the country? That is the object which, I submit, must be in view when you consider such an important Bill as this. I want to ask the Honourable Member who moved this Bill whether there is any country in the world which makes such a distinction between higher degrees and lower degrees and grants recognition only for higher degrees in registers and excludes all people who hold lower degrees. It is no doubt true that the Honourable Member, who is always dealing with international politics and international status of Indians in other countries, ought to be solicitous for only such doctors who want that international status; but we, representatives of the people, representatives of a large number of taxpayers, we want that the medical needs of so many millions of people who inhabit this land ought to be looked to and, if at all we have to pass this Bill, it should be to regulate the standard of those doctors whom they have to deal with in day to day life. The Honourable Member for Education again said that this privilege was necessary because this privilege of practising abroad might grow in volume still more when the medical profession in India was becoming so over-crowded.

In India Medical Education is in the hands of Provincial Governments, and thanks to the progressive and humane policy pursued by the Raja of Panagal, who was the Minister for Medicine in the Madras Presidency, a scheme of rural medical aid has been evolved whereby licentiates and even graduates who hold medical degrees will be given certain allowances per month when they go to remote villages and open rural medical dispensaries under the local boards, and this, I am sure, Sir John Megaw, who was Surgeon-General of Madras for some time, knows very well. This scheme has become very popular and many villages are now provided with such rural medical dispensaries, and, I am glad to find, that some other Provinces also are trying to follow this scheme; and when the financial position of Government is improved, every important village in this country will have a rural medical dispensary where doctors are very necessary; and hence I do not agree with the Honourable Member when he says that in India the medical profession is being over-crowded and, if these medical dispensaries grow in large numbers, all these doctors will be absorbed and we require some more. Hence the most important provision to be made in this Bill is to fix a minimum standard of such educational qualifications rather than fix maximum standard which would cover only a certain number of persons. By not including these licentiates in this Bill, what is the impression you are creating in the country? And what will be the effect? You are not recognising these licentiates as people who are worthy of practice. You are condemning the whole set of them. You are not only condemning them, you are condemning the Provincial Governments and other bodies which are maintaining institutions and granting such licenses to those doctors which enable them to practise allopathic medicine in the country. So, if you think that the educational attainments of licentiates are not such as to justify their inclusion in this register, you must impress upon the Provincial Governments to improve their standard of education. Already there is an agitation in the Provinces to increase the course of study from four to five years, and it is because there is no driving force from above, that they are not being properly attended to. If once they come into the medical register, this Council may impress upon the Local Governments the necessity of improving that course. So it is good that those people should also get into the register. Thus, we are at the cross-ways. Government want only to provide recognition for the higher degrees, and we on this side want that the Bill should provide for the lower grades also. There must be some *via media* to be found, and I am glad to find again that the Government of Madras, after consideration, have made certain suggestions which ought to be acceptable to the Government of India, and if the Government of India are prepared to accept them, then there will be no difficulty also for us to accept. The proposal is simply this: The holders of degrees of the Andhra and other Universities must come into the First Schedule at the very start, and the licentiates must be included in another Schedule. It may be stipulated clearly that the licentiates need not come in for international recognition or for the purpose of reciprocity. It is enough for them that they come under the register. The result will be this: rightly or wrongly, when you do not include them in the register, there is a stigma attached to them; and it is likely that people might begin to have a very low opinion of these people as not having the required qualification at all. Rightly or wrongly, their exclusion might give an impression that these licentiates are not fit to handle any case at all. So you should, in the first instance, remove that impression from the popular mind. Even the General Medical

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Council, of which the Government are so afraid, need not take exception to this course, because the licentiates do not come in for their recognition for international status. Once they come under the register, their status will be established. The Medical Council might take up their cause when once they are on the register and ask the Provincial Governments to improve their status by making their course stiffer and thus enable them, after attaining the required standard which might be stipulated by the Council, to come into the First Schedule.

You have provided in clause 18 (2) that the medical institutions in British India, which grant a medical qualification not included in the First Schedule, if they come up to the required standard, can apply for recognition by the Council. When you give them a place in the register, naturally you would give them some representation in the Council, and when they get that opportunity and their representatives find a place in the Council, they will not keep quiet. Their representatives will try and press for improvement of the standard of their education and curriculum as well as the teaching staff. Their representatives will urge on the Council to improve their status and thus improve the status of the licentiates also, so that they will be able to come eventually into the First Schedule. It is also important in this way, Sir. Supposing one province spends some money and, by improving the educational qualifications, enables the licentiates to come into the First Schedule, then there will be competition. Other provinces will not lag behind, and they will also try and improve their standards and incidentally they will also improve the status of their licentiates. When these licentiates are on the Register, they will be under the disciplinary action and control of the All-India Medical Council. The Council will also look to their professional standard and professional ethics. Supposing they do not come under the All-India Council and remain only under the Provincial Councils, there will be some difficulty. Suppose there is a case of professional misconduct in which a graduate and a licentiate are together involved,—such cases do often arise. When such a case arises, the All-India Medical Council will have to inquire into the professional conduct of the graduate, whereas the Provincial Council will have to inquire into the misconduct of the licentiate. Supposing, on the very same set of facts, one Council comes to one conclusion and the other Council comes to opposite conclusion, the situation becomes incongruous. When these licentiates are included in the same register, they will be able to enjoy all the rights and privileges and immunities which you give to all those who are on the register.

This brings me to the question of privileges and immunities. I am told,—I do not know how far it is true,—that all the other Medical Councils in other countries give certain privileges and immunities to those who are included in their registers. This Bill, however, is completely silent with regard to those immunities and privileges. It may be an oversight, but it is very essential that once they are brought on this register, they must enjoy certain privileges. It may be stipulated that those who are on this register might have the privilege to sue for fees due in a law Court or that a certificate granted by a graduate or licentiate practitioner will be accepted as valid in the Courts, and that only registered practitioners who enrol themselves in the register are eligible for Government appointments. There should be some such privileges, otherwise where is the inducement for any graduate or for any licentiate

to get himself admitted into this register? It may be, after all, that only a few persons who are practising abroad, who will find it necessary to get registered. It may affect, say, 20 or 30 doctors each year who want to pursue their post graduate course in other countries. Otherwise there is absolutely no necessity for them to register under this Bill. It is something like what obtains in the legal profession. There are Advocates who are entitled to practise in High Courts and there are also B.A., B.L.'s or LL.B.'s who are practising in District Courts, who are eligible to become Advocates and practise in High Courts if they pay Rs. 700 or so as registration fees to the High Court and get themselves enrolled in the High Court register. There are many people who are successful and eminent practitioners in the District Courts, but they have not cared to pay so much money and get themselves enrolled as Advocates. They are already well established in their profession in the District Courts and do not care to enrol as Advocates. Only if they wish to practise in the High Court, they have to enrol themselves. Similarly, there are many graduates in medicine who may not care to enrol themselves in this register if certain rights, privileges and immunities are not granted to them. This is very essential, because even if foreigners come and practise here, they will have to get themselves registered, otherwise there will be so many difficulties for them. In that way it will force other countries to seek reciprocity with India.

This, again, brings me to the question of reciprocity. As I said in the beginning, there is a vein of inferiority complex running throughout this Bill, and there is no section which brings out this inferior status of Indians more than the clauses of this Bill which deal with the question of reciprocity. It was very elaborately discussed yesterday, and I do not want to tread over the same ground today. This Bill straightaway accepts the degrees which are accepted by the General Medical Council, without waiting to see whether they are prepared to accept our degrees. Why should we recognise the degrees of the General Medical Council, nay, why should we accept the degrees of other countries also with which the General Medical Council has entered into reciprocal agreements? Why should we be put to that indignity? Why should we not stand on our own rights and tell them that unless they accept our degrees we would not accept their degrees? You simply accept their degrees *ipso facto*. Here also we have the inferiority complex staring before us. Supposing after our recognising the degrees of the General Medical Council *ipso facto* as provided in Schedule II, they say: "We are not going to accept your degrees", what will be our position? They can say that because for the last three years or so they are not accepting our degrees and they might with full justification say that they would not accept our degrees, as we have not improved our standard of instructions during this period. Then are you to go on bended knees and with bated breath and whispering humbleness to tell them: "No, we will exclude some more of our Universities which are not acceptable to you and then we will come to you for recognition"? Are you going to say that? So we should not accept any degrees unless they are prepared to accept our degrees. That is really what is meant by reciprocity. My Honourable friend who gave so much prominence to the Conference which was held in 1930 will find that they also recommended such a course and there is no reason why you should go out of your way and accept their degrees *ipso facto* and accept thereby our inferior status. I need not quote the relevant sections on this subject.

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We then come to the question of the constitution of this Council. As it is, it is official ridden. There is absolutely no hope for an independent medical practitioner to find any representation on that Council. Take it one by one. The first is the President. He is to be nominated by the Governor General in Council. Dr. Dalal even went to the length of saying that the nomination should go on perpetually. That is not the recommendation of the Conference which met in Simla. They only wanted that the first President should be nominated and that subsequently there must be an elected President. The next thing is, "one member from each Governor's province, to be nominated by the Local Government of the province". I think that provision is necessary, because medicine is a provincial subject and naturally the Governments of the Provinces want their representation on the Council and so there cannot be any serious objection with regard to that provision. The next one is, "one member from each Governor's Province, to be elected from amongst themselves by the members of the Medical Faculties of British Indian Universities within the Province". There are about eight or nine Universities which have already come into the Schedule, and the number of members of all the Medical Faculties put together is about 125. For those 125 members you are giving a predominant representation in this constitution. In each Medical Faculty three-fourths will be gazetted officers and they are servants of Government, and most of them perhaps senior I. M. S. men. There also, there is absolutely very little chance for any representative of the independent medical profession to find a place on the Council. So, it will be almost official ridden. Instead of giving representation to the medical faculties, it is better to give representation to the Senates of the various Universities, because it is the Senates that are in charge of medical education in the Provinces and I think they are the most representative bodies. In the Senate you will find many elected members from the independent medical profession and so there will be a chance of that profession to have representation in the proposed Council. I am told that in England the Senate elects representatives to the General Medical Council. If you want to follow the General Medical Council, by all means do so even with regard to the matter of representation. "One member from each Provincial Committee of the Council as constituted under section 11, to be elected from amongst themselves by the members of such committees". What are these Provincial Medical Councils? They consist of about eight or ten people the majority of whom are nominated representatives of the Local Governments. You have already given representation to the Local Governments and, therefore, there is no necessity for giving representation again to the Provincial Medical Councils, because it is a representation of representation by the same authority. If the object is to bring in medical graduates and licentiates, you will defeat that object by giving representation to the Provincial Medical Councils. This is also against the recommendation of the Conference of 1930. Though that Conference was composed of Ministers of the various Provinces and the heads of Medical Departments, they agreed to have representation of graduates direct. and I am told that the General Medical Council in Great Britain gives representation of six members from the independent medical profession. The Bill should be changed so that one licentiate may be elected from each Province from among the licentiates to the proposed Council.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** I am afraid the Honourable Member is going into too many details. I would remind the Honourable Member that he has already taken one hour and he is now examining the composition of the proposed Medical Council in detail which I think is not quite relevant at this stage of the discussion. In view of the importance of the subject and the desire of many Honourable Members to take part in the debate the Chair would appeal to Honourable Members to restrict their remarks to the general principles of the Bill at this stage.

**Mr. T. N. Ramakrishna Reddi:** I bow to your ruling, Sir, but I just want to say that I thought that my remarks were relevant as I was discussing what ought to be the principle of the Bill, namely, better representation of the independent medical profession and not as it is proposed in the Bill. It is only to illustrate it that I took so much time in going into details, but I have done with that.

I do not want to enter into any further details except in one particular which comes under clause 23 (1). Under that clause, sub-clause (1), the Council is given certain powers to make certain regulations, but, under sub-clause (2) of the same clause, the Governor General in Council is given power to make regulations in advance. Of course, under sub-clause (1) the Council is entitled to rescind or amend them, but once they are framed, it is very difficult to amend them. So, the power of making rules and regulations should be given to the Council that is to be formed and it should not rest with the Government.

Though an All-India Medical Council is a long felt want and is a desideratum, yet the Bill as conceived at present, does not fulfil the expectations or satisfy the conditions of what a real All-India Medical Council should be. I have pointed out some of the defects and suggested the adoption of certain changes in the constitution and functions of the proposed Council. If the Government are prepared to accept them, then they will find a certain amount of support from this side of the House. If they do not agree to those changes, then we have no other alternative but to oppose the Bill. We are not for the circulation of this Bill. This is not a Bill for circulation; we must either have it or not have it. That is the only question, and there is no question of dilatoriness. We require a Medical Council for all India, but we do not want a Council constituted under the present Bill. If the Government agree to the modifications I have proposed, we have no objection to discuss the Bill in the Select Committee. But if they do not, we have no other alternative but to reject the Bill *in toto*.

**An Honourable Member:** At the third reading?

**Mr. T. N. Ramakrishna Reddi:** No. We are opposed to the very principle. The very scope of the Bill is very restrictive, and there is no use of going on with the Bill. If you want me to say what I propose, I would say this. I would say that licentiates must be brought under another Schedule and they must be included in the register, and though they may not come in for international recognition, or for purposes of reciprocity, they must enjoy all other privileges, the rights which graduates



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enjoy, except that international status. Of course under clause 18(2) if these licentiates come up to the standard set up by this Council, they might apply to the Council for recognition to come in under Schedule I, and if the Council, after inquiry, finds that it is really up to the standard, then they can amend Schedule I, in order to include them. Until that time the licentiates must find some place in the medical register. Then the other thing is that the Bill must give certain privileges and immunities to those graduates who find a place in the medical register.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain** (Member for Education, Health and Lands): Graduates only?

**Mr. T. N. Ramakrishna Reddi:** I am sorry for the error. For the purpose of enjoying privileges all must come in, including licentiates. Those who come under the register must all have equal privileges except that the licentiates will not come in for purposes of reciprocity. This Bill is silent with regard to the question of privileges. There must be real reciprocity, not pseudo-reciprocity or false reciprocity as is mentioned in this Bill. We should not accept the degrees of any other Universities or of any other countries unless they give reciprocity to our graduates in the first Schedule. Then, as regards the composition of the Council, they must be more popular and more representative of independent medical profession. These are certain of the changes which we would like to be made. With these observations, I resume my seat.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I thank you for giving me an opportunity of making a few observations before this House, but there are a few considerations that make me somewhat depressed. When my friend, Mr. Raju, was speaking here, I was in the lobby yesterday and one of our friends said "Madras people talk too much". Unfortunately, after Mr. Raju, came Mr. Mudaliar and between them Mr. James and then came Mr. Reddi. However, Sir, I hope to be as brief as possible and the most important reason why I rise to speak is that I am one of those uncertified adventurers in the street, literally. I had never the honour of obtaining a medical degree and I have never been to England. This saying of Dr. Dalal is amply justified in my case. I know in the olden days I have heard of a body which has no soul to be damned nor a body to be kicked. I believe these certified gentlemen belong to that class and, therefore, fortifying myself with that belief I get up, and I shall presently show how I am an adventurer in the street. There is no question about it. The man in the street is after all the man to decide and, therefore, I am not ashamed of it. In the course of the discussion on another Bill I complained that our co-operation, offered at great disadvantage and inconvenience to us, has not been accepted at all and I have found a book in which my idea is very nicely and tersely put and, with your permission, I wish to read a few sentences to show the cause of the depression under which I have started speaking, and how I am an adventurer.

**An Honourable Member:** Is it in the Library?

**Raja Bahadur G. Krishnamachariar:** Probably it is there or it is not there. I have not rummaged the Library to find out if it is there. This is what the Book says:

"The Government's attitude, faced with this ridiculous travesty of the British Parliamentary system, is to class all opposition in the same category. It is annoying, unnecessary, irreverent and irrelevant. How can any one in their senses think that a Government of India Bill can be improved upon after a Home Member has spoken and delivered himself of the accumulated wisdom of the administrative ages? It is pure blasphemy to suppose that a brilliant lawyer like Mr. Jayakar, or a man of the people like Mr. Joshi, can suggest any valid or helpful amendment. In most cases, therefore, the Government of India's attitude towards suggestion and amendment is closely bound up with the necessity for preserving prestige. The Home Member often adopts the attitude of 'I have spoken, and that is sufficient. Behind me there is the Executive Council, the Governor General, the Secretary of State for India, and all the powers of certification and Ordinance making. You may talk, and talk and talk. You have your majority if you like. We have our will, and if you are wise people, you will not make me annoyed by wasting my time'."

**An Honourable Member:** What is the name of the book?

**Raja Bahadur G. Krishnamachariar:** It is called "The Indian Chaos" by a man who probably is not particularly liked nowadays, Mr. Frederick William Wilson, who was at one time Editor of the *Pioneer*. I have troubled the House with this quotation just to show that an adventurer, is a man who simply floats on the surface just to see if he cannot pick up something. The extract just describes my position. It will be thus seen that I fulfil in its entirety the condition that I am an uncertified adventurer in the street and that was my first difficulty in rising to speak upon these matters. Another thing and the more important thing is that Mr. Raju and Mr. Mudaliar have taken the wind completely off my sails. I have got nothing more to say. Member after Member has got up and said that might usefully be said, and, if I have the temerity to get up and speak, it is because outside in the country they have got a pathetic faith in the speeches made in this Assembly thinking that we were going to influence even in the slightest degree what the Government of India have decided after their deliberations and come to a conclusion as their concentrated and collective wisdom.

**Mr. N. M. Joshi:** (Nominated Non-Official): You are leading deputations to the Government of India.

**Raja Bahadur G. Krishnamachariar:** That is just the worst of it. If they take my advice, they would not take the deputation, but unfortunately it is not possible to reform a whole country with a population of over 350 millions, simply because you stand round the corner and harangue on the actualities of the position. That is the reason why I am taking the deputation.

Sir, I say that this Bill is objectionable, but unfortunately I cannot oppose and ask for the rejection of the Bill, because, like the curate's egg, it is good in parts and the idea of a Medical Council established for fixing a minimum standard, and for the purpose of regulating the professional etiquette of the medical profession is very good. I do not want to oppose that feature of the Bill, but the most important objection that I raise to this Bill is a point that has been terribly worked to death—that is the exclusion of the licentiates. Lots of arguments have been addressed before this House, but I would simply refer the Honourable

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gentlemen who are going to serve on the Select Committee, if this Bill does go to the Select Committee, to the opinions of two persons, namely, the President of the All-India Medical Council and Mr. Jivraj Mehta, one of the most distinguished medical men, and these have been printed in this book that was handed to us three or four days ago. Sir, that is a most important objection and if you are going to exclude these licentiates, you have got only very few people for whom you are enacting this law. Sir, the reason why they are excluded is one which makes my head hang down in shame.

The British Medical Council is a busy body outside India and has got nothing to do with our affairs here; it does not contribute a single pie to the sum that the Government of India consider would be the cost of setting up this Medical Council here. Why on earth they should now come to think of India and the adequacy of our qualifications and seek to stop the even course of our events, I cannot understand. The Government of India at one time did not support it, but now they do so because, I find, of what they say in their Statement of Objects and Reasons. At that time Local Governments were not particularly anxious to have a Bill of this nature:

"The question of creating a central agency invested with some authority to guarantee a uniform minimum standard of qualifications to India and to the civilised world at large has been under consideration for several years, but until recently there has been no consensus of opinion in favour of the establishment of such a Council."

Now, this is the most important thing:

"This has been partly due to the action of the General Medical Council in deciding in February, 1930, to withdraw temporarily the recognition of medical degrees of Indian Universities. By this action the international status of those degrees has been endangered; therefore to safeguard this status and to provide for the maintenance of uniform minimum standards of medical education in the country it became imperative to resume the consideration of the proposal for the establishment of an All-India Medical Council."

Now, Sir, it is impossible for any man with self-respect to read those few lines and yet claim that you are doing the right thing here. What does it matter if the General Medical Council withdraws its recognition? For three years it has been withdrawn, the skies, so far as I know, have not fallen, India has been going on its even course and will still go on. . . .

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Not so very easily I am afraid.

**Raja Bahadur G. Krishnamachariar:** .....and will still go on to eternity in spite of the General Medical Council withdrawing its recognition and the Honourable gentleman's pessimism. Who wanted this recognition and what is this international status? These M.B's and B.S's are either in service or in the independent medical profession. Now, these gentlemen in the General Medical Council come and say that they have withdrawn recognition, because of the standard of education being very low and not coming up to their own ideal. Now, there is a little bit of a quotation I should like to read to this House in order to show the standard of education that obtains in England and the qualifications of doctors whom they enter on their general medical register and which privilege they have now denied to our people here. This is from an

address by Dr. Andrew Balfour, Director of the London School of Hygiene and Tropical Medicine which he delivered at the International Continuation Course of the League of Nations (*vide* the *Lancet* of January 14th, 1921, page 68 *et seq.*):

".....medical man well equipped in ordinary essentials but blissfully ignorant of parasitology and of the symptomatology of tropical maladies.....proceeds abroad and promptly finds himself in a quandary"....."he begins, if he is wise, to doubt his diagnostic powders. If unwise, he carries on, and it is at least possible that his patient also carries on to another world proceeding from the ward feet first to the appointed cemetery."

Again:

"All those with a knowledge of the subject and a sane outlook on life... will agree that with the facilities now existing, it is little short of criminal to send a medical man to practise in the tropics who has not received an adequate training in tropical pathology and parasitology combined with clinical instructions in the so-called diseases of hot climates."

Forceful words, but none the less true. That, Sir, is the sort of qualification that those gentlemen who come from England possess in England and that are considered adequate *ipso facto* without the slightest hesitation in our Schedule to this Bill. And what is it that we get? Some day some gentleman, who is not attacked with a particularly violent form of dyspepsia, sits in judgment over a degree and says: "It does not matter, I will recognize this man and his degree." That is the position. They will not recognize the largest number of our practitioners. Now, these are very good for the Local Governments to be entered on their registers, they are very good for treatment of diseases in the country, they are very good for the services that they render in peace and in war, but the General Medical Council is so exalted a body that a licentiate who has passed out in India may not be allowed to soil the pages of their register by being entered thereon. The first consideration then is the exclusion of the licentiates and the next is this sort of allowing anyone with the meagre qualifications set out by Dr. Balfour in his address before the League of Nations being recognized, but the qualifications of the best of our men not being recognized. There is only one point—I shall not go into details—to which I would invite the attention of those who may sit in the Select Committee and would ask them to consider, to bring their minds to bear upon and to realize what has been forcibly said in the numerous letters addressed to the Government of India, namely, that this body will in effect be an official-ridden body, mostly manned by I. M. S. people and that by the independent medical practitioners being practically excluded from it, it will be a calamity. Already the country is in a great state of trouble. There are not enough English Medical practitioners and the other kind of medical practitioners who used to sit on a stone and grind and grind and give some sort of a medicine which is a panacea, for all evils are gone. The English doctor is not easily accessible even if the patient is willing to pay Rs. 20 or Rs. 25 a visit. Then, what have the people to do?

Sir, the first duty of the Government is to keep their people in proper state of health. Sir, there are no doctors at present and the few doctors who are in existence are denied the privilege of calling themselves doctors, because the moment you start this All-India Medical Council and the moment you fix upon this register and the moment you exclude the licentiates from it, people will say: "This man is no good, because he has not been recognised by the Government of India."

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That sort of thing ought not to be allowed to come into existence by the enactment of a measure such as we are discussing now. So, I would respectfully ask this House not to agree to this Bill in its present form. But if another Bill is introduced which is devoid of these objectionable features and which aims at the maintenance of self-respect of India, then I for one shall have no objection to it.

Sir, I am not at all carried away by the glamour of an international status. So far as I am aware our doctors have reaped no particular advantage by this so-called international status, nor is there any chance of their doing so in the future.

There is only one more point that I would respectfully submit to this House and that is that, in view of the coming Federation, the question of the entry of Indian States should be provided for. I know that my friend, Diwan Bahadur Ramaswami Mudaliar, said that it was impossible for us to legislate for the States. I think it is quite clear that you cannot, in a legislation initiated here, say that Hyderabad and other Indian States shall have a vote, but a provision can easily be made by which, when this Federation does actually come into existence, although I have got my own doubts as the Scotch say, about it, the States will be allowed to send their representatives to the Indian Medical Council. According to the idea, upon which these gentlemen work, the Federation is of a kind which is unknown to India, which will never work in India and which will never come into India. That, however, is another matter. Sir, when this Federation will come into existence, a good many things will have to be provided for and you can always make a provision regarding it with reference to the All-India Medical Council which is sought to be created by this Bill. (*A Voice*: "Tell us how it is to be done.") That is the business of the men who are appointed to the Select Committee and, I have no doubt, they will be able to do it. My business here is simply to indicate what sort of improvements I should like to have if they want my support in this Assembly. I have indicated what those improvements are and it is the duty of the gentlemen, who are on the Select Committee, to find a way for carrying them out. That is all, Sir, that I wish to say to the House. With these few observations, I submit, that this Bill, in its present form, should not be referred to the Select Committee or should be amended on the above lines.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, great confusion has arisen in the discussion of this Bill on account of the fact that three irreconcilable principles are included in it which require really to be dealt with in different ways.

One important principle which this Bill aims at—which in itself is urgently needed—is an attempt to co-ordinate the work of various Universities. It will try to maintain a high level of teaching and a good standard of examinations. Now, this co-ordinating agency has been missing in our educational programme, and I think it is exceedingly desirable that we should set it up at least for medical studies; but for this kind of work we require nominated men, and not popularly elected members. We never elect Magistrates by popular votes; they are always nominated.

The second object is the safeguard of medical profession. We must also safeguard the public interest. These are two very important objects which the Medical Council should try to achieve and, for this purpose, we require

men who are popularly elected, because the nominated members are not likely to safeguard the interests of the medical profession, nor the interests of the public as much as popularly elected persons can do.

Then, the third object which the Bill embraces is the maintenance of a register. Now, this thing has been very loosely talked about. Nobody ever attempted to explain the purpose of this register. If it is intended for the benefit of Indians, then it must include every person who is authorised to practise in this country. It should not only include the graduates and the licentiates, but I shall go further and say that it should also include *hakims* and *vaidis* and also Homeopathic practitioners. The absence of such a register is keenly felt by patients. For example, at the present moment, if I want to find out and consult any doctor, what can I do? I have only to consult the telephone directory and pick up haphazardly any doctor and ring him up. Unfortunately, last year, in the telephone book, my name was included under the head of "Doctors" and I had unfortunately half a dozen inquiries every week whether I would be willing to examine a patient. This really is a very unfortunate state of affairs and this register ought to be supplied authoritatively by somebody, whether it may be the Provincial Medical Council or the All-India Medical Council. In this register, which is intended for the benefit of the Indians, we must include everybody who is authorised to practice in this country. The second purpose of this register may be that it is intended for reciprocity. This object is foreign to me and I cannot understand it. Why should we maintain a register for a purpose which has no meaning? If we do it for this purpose, we can only include those persons who hold the same medical qualifications as the people in other countries do. The third purpose may be that it is for the benefit of the foreigners. If that is the purpose, then we should have it in a different manner altogether. Therefore, first of all we should decide in our own mind the definite purpose of this register and then we can decide definitely what categories of men are to be included in it. If it is intended for ourselves, then there cannot be two opinions that everybody's name, who is authorised to practise in this country, should be on it. But, if it is intended for some other purpose, then, of course, we shall have to discuss it.

Now, I just want to say that the Government of India have committed a very great sin in this country and that they are now facing its consequences. I welcome this agitation, and I will use every nerve to keep this agitation going till sins are all absolved. What are the sins? In every country you will find that they have primary education, secondary education and higher education. I have heard of primary, secondary and higher education in agriculture and in commerce. I have heard of it in technical education and general education, but I have never heard of secondary education in theology and in medicine. The Persian proverb says :

*Nim Hakim Khatra Jan ; Nim Mulla Khatra-e-Iman.*

"A half physician is a danger to health and a half theologian is a danger to faith."

That is a principle which every European country acknowledges and for this reason we never hear of medical or theological schools in Europe. They say, the health of the people is a sacred thing and every medical practitioner they produce must be a man of the highest qualifications which

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the country can afford. Therefore a great mistake was made in starting these medical schools at the outset. The Government ought not to have opened them, nor recognised them. Now they are there and the Government do not know how to swallow them. It is really a big buffalo on their neck; they can neither get out of it, nor can they swallow it inside. And this discussion which has just been started is really a blessing in disguise; it must go on until all the medical schools are transformed into medical colleges. Of course the only difficulty which I see is that my friend, the Honourable Member in charge, has not got the key to Pharaoh's Treasury in his pocket, otherwise he would transform every school into a medical college. But still the question of the health of the people is under consideration and we should make every effort to give what is best in the interest of the people. I do not believe that the village population requires less qualified medical men.

Now, I come back to the question of the maintenance of the register. If it is only intended to please the Council of Medical Education, if you want it only for this purpose of reciprocity, then, of course, you may put only such persons who desire to go to foreign countries for practice or for studies. But if it is really for the benefit of Indians, then I see absolutely no reason why any person should be excluded from it and leave to the Medical Council in England, or to the Medical Council of any other country to make a selection of such person whom they consider suitable for practice in their own countries. It is not for us to decide; it is for them to decide which of these medical practitioners they consider to be qualified. But, as far as India is concerned, we should include everybody who is qualified to take charge of the health of the public.

**Mr. K. Ahmed** (Raishahi Division: Muhammadan Rural): What about your life and death?

**Dr. Ziauddin Ahmad:** This is really a very deep philosophical question (Laughter) to which I will come later on in connection with some other motion.

Sir, there are certain things in which I stand by myself and possibly I may not have any supporter; and I neither agree with the Members on the Treasury Benches nor with some friends on my side. In the first place, I maintain that this Medical Council must have some non-medical men, and this I press for two reasons. My first reason is that all experts are eccentric (Laughter), and, if they are not eccentric, they have no claim to be experts.

**The Honourable Khan Bahadur Mian Sir Fazal-i-Husain:** Does that include educational experts as well? (Laughter.)

**Dr. Ziauddin Ahmad:** I am talking of all kinds of experts including political experts. Their thoughts are concentrated on one particular idea; anything outside that particular idea does not receive the proper attention which is due to it. I will give you one definite illustration. You know that astronomers always travel very long distances in order to take photographs of total solar eclipses. Year after year it happened that these astronomers, when they began to take photographs of these solar eclipses, either forgot to open the cap of the lens, or to open the shutter or to

change the plates; the result was that all the photographs which they took at the cost of so much labour and expenditure of money were altogether spoilt. And, therefore, it was agreed that whenever any expedition of astronomers would go anywhere, there must be one or two persons in that expedition who are not astronomers. (Laughter.)

My other argument is that if you ever come down upon any institution or if you want to criticise medical men, it very often happens that the medical men themselves, on account of their own professional etiquette, may not come forward and openly criticise the actions of other medical men; nor the members of one University would like to criticise their colleagues in another University. I will here give you the illustration of the Lucknow Medical College. This is a point which I will take up in greater detail, when I formally move, after the Bill has emerged from Select Committee, that the Lucknow Medical College should be omitted from the list in the First Schedule, and I will develop my argument on that occasion.

**The Honourable Khan Bahadur Mian Sir Fazal-i-Husain:** That speaks volumes for provincial patriotism.

**Dr. Ziauddin Ahmad:** I am a humanitarian first and a provincial man afterwards. I speak in the interest of electorates and not in the interest of the medical profession.

Here in the Government of India we have got two very distinguished men who know the details of the working of that College. Here is General Megaw, the late Principal of the Medical College with whom I have worked for many years in the late University of Allahabad, and here is our friend, Mr. Bajpai, belonging to the distinguished service of the United Provinces, and they must know all about it. There are a large number of stories about this College. Patients are brought to the operation table, the operation begins, and then the Surgeon demands that unless so much money is paid, the patient would have to lie there. That is not one story; I will give a series of stories, and every man in the United Provinces knows them. Government or somebody appointed a Committee of three persons presided over by the Director of Public Instruction who collected all these evidences, but the whole of that report has been shelved and nothing was ever printed. The report was seen only by three persons who signed it. This is my official information. There is not a single medical man in the United Provinces who raised his protest against such maltreatment. We have got a Medical Council in the United Provinces and its President has pressed the question of honour, interest and dignity, etc. It is all very well to talk of medical dignity and medical honour, but, at the same time, it is also desirable that they should keep up their own dignity. They should keep up their honour, they should respect their professional etiquette and they should treat their patients in a humane manner. I tried four times to introduce this topic in the Assembly, but each time I was debarred from doing so. I first asked some questions and I was told that these questions were outside the jurisdiction of the Assembly; I moved a definite Resolution and it was ruled out by the Governor General in Council as being outside the jurisdiction of the Assembly. Now the occasion has arisen and, in moving my amendment, I will discuss the whole thing in detail.



**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Sir, is it your ruling that this is the right occasion for discussing the complaint as regards the Lucknow Medical College?

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The Honourable Member, the Chair understands, is now only giving notice that when the time comes he will move the deletion of the Lucknow Medical College, and when that actually happens, the Chair will decide whether he is in order then.

**Dr. Ziauddin Ahmad:** The point I was going to make was that this Medical Council ought to include some men who are not medical people. The first argument which I gave was that all experts are eccentric and we must have some non-medical men in it. My second argument was that if you have only the medical men in the Council, they will not have the courage to put their foot on breaches of medical etiquette to stop them. I gave one illustration in support of my first argument and I gave one illustration in support of my second argument. I will take it up in detail when I move formally my amendment.

Sir, the second thing that I want to discuss is that I do not want to create any distinctions between the I. M. S. and the non-I. M. S. people. I have read each and every word of the pamphlets and memoranda that had been sent to me though, I acknowledge, that I did not read them with such great care as my friends, Mr. Raju and Mr. Reddi, did. In several of these pamphlets, it is emphasised that there should be no division in the medical profession. I entirely sympathise with them. But they break their principle when in a subsequent clause they begin to make distinction between the I. M. S. and non-I. M. S. people. Any kind of distinction between those persons, who have been fortunate or unfortunate in accepting the Government service, would be creating a class distinction and should be ruled out. My second point is that in the consideration of this Bill, any distinction between I. M. S. and non-I. M. S. should be altogether out of discussion.

The third thing I like to deal is the question of reciprocity. Here also unfortunately I am on a different footing from the Members on the Treasury Benches and also from some of my friends on this side of the House. I can understand the reciprocity in customs. If one country puts a check on the goods coming from another country, the second country reciprocates by putting similar checks. I also understand reciprocity in the case of services, but any kind of reciprocity in the case of recognition of University degrees is not free from danger and risks, and here I speak as an educationist. Take, for instance, one particular institution whose standard unfortunately has gone down. Its examinations are not recognised by a sister University on account of the fact that its standard has gone down. The institution does not recognise that its standard has gone down, or it would have improved it. It is really the outsiders who are better judges to see whether the standard of a particular institution has or has not gone down; and if they discover that it has not gone down, and they express their opinion by withdrawing recognition, instead of trying to improve its standard, the institution comes forward with the principle of reciprocity and it says: "All right, if you do not recognise our degrees, we will not recognise yours". If this principle is practised by a larger number of institutions, then, I am afraid, we

will have a very low standard of education in general. Therefore, this principle of reciprocity may be applied in case of politics, may be applied in other matters, but it should be left out in matters purely educational and purely academic. It is a very dangerous principle to apply and, instead of raising the standard of general education, it is bound to lower it.

Now, I said that there were three principles to be discussed, and I now come to the first principle, that is, about the keeping up the standard of education, and here I will take a few minutes. Before the Calcutta University Commission was appointed, and at the time when the late Lord Curzon's Act of 1904 was in operation throughout India, we had the affiliating Universities. The Universities had Medical Faculties which included Professors of Medical Colleges, and non-medical scientists. Medical practitioners were also strongly represented in the Medical Faculties and there was no complaint about the lowering of standards. Now, recently, we have created the teaching Universities on the recommendation of the Calcutta University Commission . . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member will resume after Lunch.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

**Dr. Ziauddin Ahmad:** Sir, I was just discussing that before the new Universities Acts were legislated, we had the organisations of the Universities on the lines of the Act of 1904. Now, according to those Acts, the Medical Faculties included a large number of outsiders and the outside influence was always present in prescribing the courses of studies and conduct of examinations. In these recent Acts, the powers were handed over to the teachers, and outside influence was very much minimised. The Government, however, left to themselves the right of appointing a Committee of Inquiry. Now, this Committee of Inquiry is provided for in every Act that they have recently passed, and it is also present in the Bill under consideration. This Committee of Inquiry is a punitive measure. It is instituted only as a kind of punishment; it is not really intended to set things right. Long before the punitive measures are adopted, it is exceedingly desirable that there ought to be some machinery for inspection and friendly advice. Now, this particular difficulty was realised in the United Kingdom, and they instituted a special Committee, called the Grants Committee. This Grants Committee is appointed, not by the Board of Education, but by the Treasury, i.e., the Finance Department. The functions of the Grants Committee are the same as are included in the first object which this Bill had in view. The members of the Grants Committee inspect all these institutions periodically and at least once in every five years; they give friendly advice; they examine standards of education and examination, and they often set things all right long before any Committee of Inquiry is needed. The same kind of machinery has recently been

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set up for maintaining uniform standard of admission or Matriculation examinations. I may also tell that the members of the Grants Committee are not persons who are engaged in actual teaching in any University. They are men who have got practical experience of University administration and University education, but they have no direct interest as paid servants of any University. This is really an exceedingly important thing, that the persons, who inspect the various Universities and who really carry on the co-ordination work, must be men not directly connected with any of these Universities. Unfortunately this Grants Committee was introduced in England after the Calcutta University Commission had finished its report. Had it existed a little earlier, probably the Calcutta University Commission would also have recommended the formation of a similar Committee here for Indian Universities and a good many complaints would have disappeared. I gave these arguments and establish that the elected representatives of Medical Faculties may not be competent for this work of co-ordination and inspection. Now, the other important thing is this: and I introduce it for this reason that the Medical College at Lucknow is the only Medical College in India which has been handed over entirely to the University. The Province has five Universities, but there is only one Medical College, which is the property of a single University and not the property of the people of the United Provinces. In other Medical Colleges, the administration is in the hands of the Government, but the courses of studies, examinations and all the other academic features are prescribed by the Medical Faculties. Here we find otherwise. I believe I stand in a class by myself here. I believe that this power of appointing the teachers, that we have now vested in the heads of the Universities, has proved to be a great mistake. It has proved to be a mistake in the United Kingdom; and it is a great mistake in this country. Our constitution of Universities was copied from the constitution of the midland Universities as they then existed before; but, later on, they were compelled to modify their constitution. The appointment and administration of funds are not in the hands of the paid servants of the University. The Executive Councils don't include persons who themselves have financial interest in the University. In Germany and in France, where we have got all the Universities vested with great powers, we notice that the appointment of the Professors is in the hands of the Ministers and, in some cases in France, it is in the hands of the President of the French Republic. Here also it is desirable that the members of the Executive Council should be persons who themselves have got no financial interests in this matter. My friend, Mr. Bajpai, does not believe in this theory. He thinks that every member of the Executive Council must be a paid servant of the University. But at least that is not the experience which we have found to be correct in the west. Therefore, it is very desirable that the body, which should be vested with the powers of inspecting the Universities, prescribing the courses and carrying on the co-ordination work, must consist of men who have got plenty of experience of medical education in the country; but should have no direct interest in any one particular University and should be entirely independent men. Therefore, if we take up one particular function for which this Medical Council is to be created, we find that this must be done by a body of persons who are absolutely independent of the University and independent of public opinion, and they should not be afraid of saying what they believe to be correct.

Now, I come to the other side, that is, looking after the interests of the public on the one side and of the medical profession on the other side. The body, in charge of this particular function, must have men of different types. They should be elected representatives of medical practitioners and also representatives of the public. This should be a very liberal body and should be competent to reflect the opinion of the public and the opinion of the medical profession. I tell you what is the kind of things that this body will have to do. Some time ago, we had a very important case happening in the Civil Hospital at Delhi: attention was drawn in the Assembly, but unfortunately nothing was done. Of course, in this particular case, the Government of India could not say that it did not come within the purview of the Central Government as they did in the case of the Medical College at Lucknow. Whatever I said about the Medical College at Lucknow, I think everybody from the United Provinces, and from Lucknow particularly, will bear me out what I said about Lucknow. There are many more stories. The Government of India, who are the custodians at present according to law of the standard of medical education, cannot escape from their responsibility. Medical education is a transferred subject, but the maintenance of a good standard is a Central subject. There are two persons in the Government of India who know very well about it; they know definitely that a Committee of Inquiry was appointed; they know definitely that certain allegations were made, but still they did not raise their voice as to what that report is and how its recommendations should be carried out; they never pressed that it should be published. They took shelter by saying that it was the concern of the Local Government. If that is so, then may I ask, why they have got a Medical Department here and what is the justification for its existence?

**Mr. N. M. Joshi:** Let us hear the interesting story now.

**Dr. Ziauddin Ahmad:** I will say it when I have a full dress debate on that particular question, when I move that the Lucknow Medical College should be excluded from the Schedule.

I was pointing out that the proposed Medical Council will have to prescribe certain codes which the medical profession will have to follow; it may prescribe that no person admitted into the hospital should pay any kind of gratuity, it will have to prescribe rules of professional conduct, and, for doing all this, we must have a body of men representing fully the public opinion and also the medical opinion. For this purpose we should not only have the representatives of graduates, but also the representatives of sub-assistant surgeons or licentiates, because this body will have to prescribe rules not merely for graduates, but also for the licentiates and other diploma holders. Therefore, we should have a very strong body of representatives of the public as well as of medical profession. On one side, you must have a body of a limited number of nominated medical experts having no direct interest with University affairs; on the other side, you must have a body of men fully representing the public opinion, the medical opinion and also the opinion of the licentiates, in fact some of those licentiates should themselves be the members of this Council, because their co-operation will be needed in prescribing the regulations for medical etiquette and in safeguarding their interests, and I think it will be possible to combine these functions in one body.

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Now, coming to the third object, I mean the medical register, I look at this problem from an entirely different point of view, from the point of view of convenience, and not from the point of view of dignity and honour. We know, Sir, according to the old Act of 1904, every University had the power to recognise by name any University either in India or outside India. Whenever any question came up, they had to appoint a Committee to study the courses of studies, the syllabus, and so on, and much time was wasted. The Government of India have recently simplified this work by one enactment, and they said that any University which has been created by any law for the time being in force will enjoy this privilege, that their admission examinations will be recognised by these new Universities. This small enactment has very much simplified the work of Universities. In the same way, there is in Germany a similar rule, and they do not go through the merits of the examinations of each foreign University; there they have made a simple law, that any foreigner can join a German University, provided he has passed an examination which entitles him to join a University of his own country. By this simple law, they have really absolved themselves altogether from going through the courses of instruction and the syllabus of individual Universities. Therefore, in India we can do one of two things,—either we sit down and go through the courses and syllabus of each University of the United Kingdom in turn, say of Edinburgh, London, Leeds, and so on, and then come to the conclusion whether we should or should not recognise these Universities by name, or adopt a simple course similar to the one recently adopted by the Government of India for admission to Indian Universities and similar to what Germany and France have done, and say that every University, which is recognised by the Council of Medical Education in the United Kingdom or by the Council of Medical Education in Germany, is recognised by us. We transfer our work to the Medical Council of foreign countries. To put in plain words, we say that we recognise all those medical graduates who are recognised by the Council of Medical Education in the United Kingdom. Really speaking, there is no question of reciprocity. This is purely a question of administrative convenience,—either you should go through the courses of each University in turn, or accept the opinion of one recognised body. The same thing will have to be done by the Council of Medical Education. The Universities of Germany and France have done the same thing. Instead of recognising the degrees and going through the courses of each individual University, they merely take the opinion of the Council of Medical Education of their own country. If you set up a body, whose opinion could be trusted by the Council of Medical Education, I am perfectly sure that its opinion will be accepted by every University, by every country and by the world at large. This is not a question of retaliation or reciprocity. The question is whether it is convenient for us, whether it is convenient in the interests of our Universities, whether it is in the interests of our own graduates that we should set up such a body whose opinion could be trusted by the medical authorities outside India.

Now, Sir, before I come to my final recommendation, I should like to say just one word about the register that we should maintain, I mean a register of men whom we consider to be qualified to practise in this country. The medical licentiates are really the results of the mistakes of the Government of India, but there they are, and it will be a second mistake not to recognise them now. The first mistake was to create them,

and the second greater mistake would be to leave them. They will have to be recognised. Sooner or later the medical schools will have to be transformed into Medical Colleges. We should recognise these licentiates and leave it to the Medical Council in England, in Germany or in Tinbuctoo to recognise any or all the persons whom we recognise. This is the line I would recommend. If I be a member of the General Medical Council of the United Kingdom, I would only recognise those persons who have taken degrees from those Universities which are recognised by this small body of experts, whose creation I advocated. I would recognise the degrees of those Universities whose standard of education, whose examinations, whose courses of studies are of a proper standard. We have got here three different things; how are we going to reconcile them? Here I offer a definite suggestion, and that is the only way in which they can be reconciled. In the first place, your Medical Council should be a liberal body. It should also include licentiates, because you have to legislate about their medical conduct as well. I do not want to go into details as to how this body should be elected or nominated. This I leave to the Select Committee to do, but I lay down the principle that it should be a liberal body and it should include the representatives of all those persons who are entitled to practise in this country . . . .

**Mr. N. M. Joshi:** What is the definition of liberal?

**An Honourable Member:** Not conservative.

**Dr. Ziauddin Ahmad:** I am sorry, I do not carry a copy of the Webster's Dictionary in my pocket to give you the exact definition.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadan): There should be more of non-official element in it, with an elected President.

**Dr. Ziauddin Ahmad:** Then, as regards the President, I entirely agree that we should have an elected President, but when we look into the way in which all these bodies have come into existence, we find that the first President has to be nominated in some way or other. This is laid down in the Act itself. The election will come afterwards. The first President must be nominated . . . .

**An Honourable Member:** Why?

**Dr. Ziauddin Ahmad:** That is the same case even in regard to our President. Before a New Assembly sits, before we begin to elect our own President, the Viceroy always nominates a Member to hold office though for a short time. Look into the Act of the Medical Council in England. It also provides in section 6 that the first President of the Medical Council will be the President who was holding office at the time the Act came into existence.

Therefore, the first President will have to be nominated in order to bring the whole Council into existence. . . . .

**Mr. Gaya Prasad Singh:** May I interrupt the Honourable Member, Sir? Did not the Medical Council in England, when it was first formed, elect its own President?

**Dr. Ziauddin Ahmad:** The Act says that the first President of the Medical Council will be the President who was holding office at the time the Act came into existence. The first President will have to be nominated as a matter of practical convenience by the Government. Whether he holds office for two days, or one year or whether he holds office for five years, is a question which can be discussed in the Select Committee. There is no way out of it and I challenge any one to give me a method of creating a Medical Council without the President being nominated by the Government. As regards the other things, if you want to reconcile two contradictory propositions, there is only one way of doing it, and I would strongly recommend that to the Government. You should have a liberal and large Medical Council. Under this Medical Council, you should have a permanent Committee whose constitution may be similar to that of the Grants Committee. This permanent Committee should be similar to the Finance Committee which some of the Universities have recently set up. Therefore, there should be a statutory body whose function should be similar to that of the Grants Committee, and it should have some representatives elected by the Medical Council and some persons nominated directly by the Government. The moment we create this particular body with expert knowledge of men commanding full confidence, I am perfectly sure that the recommendation of this Standing Committee of our Medical Council will be accepted by any medical authority wherever it may be, may it be the Medical Council in England, or may it be a University in any country. Therefore, I think it is possible to reconcile the three irreconcilable factors only in this way. Create a larger body of Medical Council, having representatives of graduates, of licentiates and of the public on it, with a statutory Standing Committee with a constitution and powers similar to those of the Grants Committee and vested with the work of co-ordination, prescribing the courses of studies, and syllabuses, and scrutinising examinations and examination results. The register should include the names of all persons entitled to practise in India. The Statutory Committee may maintain a separate register. This selection of Medical graduates from Universities who are recognised by this Standing Committee should be responsible for all the co-ordinating work; and it is only by this method that we can reconcile the three irreconcilable matters. These are matters for the Select Committee to consider in detail. (Applause.)

**Mr. Jagan Nath Aggarwal** (Jullundur Division: Non-Muhammadan): Sir, when I first read the heading of this Bill, I thought that the medical profession was going to steal a march over any other profession in this country. In fact, I felt that what the profession of law did not possess—a central co-ordinating and disciplinary body for the whole of India—the medical profession was going to get. But I was soon disillusioned. Going deeply into the Bill, you will find that it is neither the one nor the other.

It is not a body for the whole of the medical profession in this country. It is not a body which will have jurisdiction and sway over all the medical practitioners and which will control their actions and their conduct. You will find from the provisions of this measure that this is a Bill only for the purpose of providing a register of the "higher grade of qualified practitioners". One would ask in vain, why is it that the higher grade of medical practitioners alone is going to be brought on to a register. Is it a privilege, or is it a disability? Well, Sir, if the public is to be protected from all kinds of quacks and uncertified people—this word "uncertified" is rather unfortunate here but still if the public has got to be protected from

these people, then all kinds of medical practitioners should be on the register. But it appears that the object underlying this Bill is somewhat different.

My learned friends here have taken us into the history of this measure. It appears the chief aim of this Bill is to placate the General Medical Council in Great Britain and Ireland. I do not for a moment question that if we can live on friendly and peaceful relations with this body, it will be all to the good. I have nothing but admiration for all those people in the medical services or the R.A.M.C. who have trained our graduates in our Medical Colleges and who man the services. Very good and useful work has been done by them and a good tradition has been built. But I refuse to be dictated by any outside body in the conduct of affairs of my own country, and I refuse, what is more, to be hustled. I feel that my learned friend opposite who is in charge of this Bill, Mian Sir Fazl-i-Husain, has been hustled in this matter. I know he can stand up boldly and show a bold front, but it is rather strange that in this matter my Honourable friend was very weak-kneed,—he will pardon me for saying so.

**An Honourable Member:** He does not feel like it himself.

**Mr. Jagan Nath Aggarwal:** I do not know that. My justification for these remarks is this. In the first place, the attention of this House has been drawn to the fact as to how the Government of India in sack cloth and ashes approached the Secretary of State to send this Bill to the General Medical Council. To show the way in which the latter approve of it and their condescending reply, I think one might as well read their letter. It is at page 51:

"I was directed to say that the Committee have considered the Draft Bill and the accompanying communications from the India Office, and recognise with satisfaction that it represents a well-directed effort. . . ."

—My Honourable friend will be glad of that compliment—

"... a well-directed effort to establish by Statute a Body which by its constitution and functions is designed to maintain a satisfactory minimum standard of medical qualifications for admission to the proposed Indian Register. The Committee are of opinion that, if carried into law, the Bill will conduce to the improvement of Indian Medical Education, and serve the best interests, both internal and external, of Indian medicine in general."

When a Bill is introduced in this House, it at first receives the sanction of the Governor General. This Bill has received the sanction of the General Medical Council. (Laughter.) For a moment we may just see if we are justified in going deeply into this matter. My Honourable friend, Mr. Dalal, coming from the medical profession . . . . . (*Some Honourable Members:* "Dr. Dalal.") . . . . Dr. Dalal yesterday told us that, before you look into this measure, see that you are not an uncertified adventurer in the street. I shall yield to the Doctor when it is a case of extracting a tooth, or administering quinine, or even letting out blood, but I am not going to surrender my judgment to him when it is a case of making a constitution. The constitution of the medical profession is just as important and as dear to me as the constitution of the legal profession or of the Assembly or the Council of State. Therefore, I do not see why my Honourable friend, Mr. Dalal . . . (*Some Honourable Members:* "Dr. Dalal.") Why bother about it? Abolish Dr.—Dr. Ziauddin and him both. He was at pains to show that we should yield to medical opinion.



[Mr. Jagan Nath Aggarwal.]

Coming as it did from a member of the profession, it was strange. We have been flooded with literature from doctors, all and sundry, and associations, that this Bill is the most objectionable one. I have proof of it in these memoranda which, I am sure, the Honourable Member in charge of this Bill and his deputy who is piloting it, must have inwardly digested and laughed at. I was surprised to find Dr. Dalal come forward and tell us, on the plea of not misleading this House, that the medical profession was all in favour of this Bill.

**An Honourable Member:** The reason is obvious.

**Mr. Jagan Nath Aggarwal:** Yes, the reason is obvious, as also the consequences. We might just as well try and look into this measure to see whether it will serve the purpose which it seeks of having a Medical Council for India to provide for the maintenance of a British Indian

**3 P.M.** Medical Register. On that point it would have been far more correct to say, what has been pointed out in this very memorandum from the Bombay Government, that the preamble of the draft Bill should be so drafted as to indicate that the object of establishing the proposed Medical Council is to secure a class of medical men in India whose qualifications will be recognised by the General Medical Council of Great Britain. This has nothing to do with the co-ordination of education and it does not provide any body for supervising medical conduct. It says "to secure a class of medical men whose qualification would be recognised by the General Medical Council of Great Britain". The Bombay Government has no opinion to express further. Therefore, the very preamble and scope of the Bill are different. The object of the Bill is to collect together on a register those persons who will pass current in England, who will be acceptable to the Medical Council. If my learned friend and his deputy had said that we want to provide a register in which those people, who will be recognised outside, will be entered, we would have no quarrel, but in the guise of a measure to regulate the conduct of the medical profession and to establish, so to say, a body which will control and co-ordinate their teaching, this Bill is sought to be brought forward, but it does not do it. Well, Sir, if we were to go a little further into this point, we might as well read from another communication on page 68 from the Medical Union. The Medical Union, in paragraph 2, say something on this subject. They say:

"The Union altogether disagree with the view, . . . of the Acting Secretary to the Government . . . that 'if Indian medical students were to be relieved of the hardships to which the decision of the General Medical Council exposed them, it was imperative to resume consideration of the proposal for the establishment of an All-India Medical Council'. The Union believes that such a basis for creating an All-India Medical Council is derogatory to the self-respect of the Government of India, and no less to the Independent Medical Profession and to the people of India. The Union is of opinion that apart from the view expressed by the Government, the creation of the Council should be based upon the broad and noble object of securing the welfare of the public and enabling the members of the public requiring medical help, to distinguish between qualified and unqualified persons."

If that is so, then my submission is that, so far as the scope and object of this Bill is concerned, it neither tells us the whole truth nor does it tell us the principle which this Bill tries to achieve. So far as the constitution of this measure is concerned, it has been dealt with in considerable detail. I would invite your attention to one or two aspects of

this matter. This measure is neither a liberal measure nor a properly conceived measure. It is open to objection in this sense that for controlling the whole medical profession or, say, the higher grades of the medical profession, it creates an exclusively official body. Now, Sir, if I were to translate it in terms of lawyers, let us see how the cap will fit us if we were to create an All-India or, say, a Provincial body, for the control of the bar, modelled in the way in which this Medical Council Bill is going to be fashioned, and I take particular care to present that point of view to my learned friend, the Honourable Member opposite. He was a distinguished member of the bar and, I am sure, he has not forgotten his connections with the bar and, I submit, that the moment you compare the constitution of a Bar Council with this Indian Medical Council Bill, you will find a great disparity in the constitution of these two bodies. I have at hand the Bar Councils Act of 1926 for the identical purpose of maintaining discipline and of co-ordinating education. The All-India body is not there, but the nearest analogy is the Provincial body. Now, I shall present to the House the constitution of that body. In this Act, which is Act XXXVIII of 1926, we have, in section 4, that every Bar Council shall consist of 15 members, of whom one shall be the Advocate-General, the nearest approach to an official, four shall be persons nominated by the High Court, of whom not more than two may be Judges of that Court and ten shall be elected by the Advocates of the High Court from amongst their number. Here one waits in vain to find any recommendation of the Governor General-in-Council or of the Local Government, any recommendation of the Law Faculties and, last of all, of any teachers in law, but more of it hereafter. In section 5, they say: for the first elections, the section provides that they shall be from amongst advocates, vakils and pleaders who are, on the date of the election, entitled as of right to practise in the High Court. When you create a Bar Council, you find not more than two officials and an Advocate-General who can, by no stretch of language, be called an official. The rest are all non-official and ten are elected by the members of the profession. If you turn to this Bill, what do we find? It is overcrusted with officials. We find here one member from every Governor's Province. That comes to 9. Then three members of the Governor General. That is 12, and the rest you will find from the Universities or from the profession. Here are these two categories in which we could bring in a number of members of the medical profession, but we have studiously, and that is my chief grievance against this Bill, shut the door. We are giving representation to the Medical Faculties. Out of 120 people all told in the whole of India which represent the Medical Faculty eight or nine shall be elected. Therefore 12 shall be electing, on an average, one person. They might be doing it by lots, but it is not bringing in men of the profession. It will be far more sensible to have the University or the Senate or the Academic Body choosing one of the doctors to come and represent it. That will be introducing a popular element. Then, Sir, when we are choosing, under clause (d), amongst graduates, the Government are looking aghast at the proposal of enfranchising these graduates. They put forward an alternative suggestion—give it either to the Provincial Committee or to the graduates and, in spite of the opinion of a large number of people to the effect that it will be better, more popular and will command greater confidence to have the graduates enfranchised, they rush back into the backwater of that recommendation—that you had better have a Provincial Committee. In other words, you are bringing in the system

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of indirect election. That vicious system has been turned down. In the elections to the next Federal Assembly we have departed from it. If there was one point on which the British India delegates were unanimous, it was that for the Federal Assembly they will have nothing short of a direct election. The Lothian Committee recommended it and the Government of India have now taken to indirect election and intend enfranchising these committees of eight or nine people. They are already overcrusted with officials. They have made these bodies effete and useless. The Government of India still stick to their proposal that we must give indirect election to them. What is the merit of it, one cannot understand, and I do not see by what process of reasoning they can persuade themselves to believe that they can put forward this clause of the Bill, clause 3 (d) in the way that they have done. From all Provinces, Sir, if you will bear with me for a minute, the same trend of opinion comes. The North-West Frontier Province does not recommend it. Ajmer-Merwara does not recommend it.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Recommend what?

**Mr. Jagan Nath Aggarwal:** Recommend that the graduates shall not be enfranchised. They recommend that there should be direct election for the graduates. I say, the North-West Frontier Province, Ajmer, the Punjab, the United Provinces, Bombay, Sind, also Bihar, all these Provinces have recommended that it would be better and more conducive to efficiency and popular support if you have the graduates choosing their representatives for the Council.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** What does the Honourable Member mean by the Punjab? Does he mean the Punjab Government or the Punjab people?

**Mr. Jagan Nath Aggarwal:** Sir, the people were never consulted, but as regards those, who were consulted, I am going to give you their answers.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** What about the Punjab Government? Do they agree with the Medical Association?

**Mr. Jagan Nath Aggarwal:** I shall just give you the opinion of the Punjab Government. First, Sir, we have the North-West Frontier Province at page 19. In paragraph (3) they say:

"I prefer to retain the original clause 3(d) in this case, but I am not in favour of the proposal that representatives of medical graduates should be compelled to have special teaching qualifications, as in my opinion such representatives are not in direct touch with graduates who are in general practice in areas removed from the large teaching centres."

That is another part of the show and, with regard to the proposal that you should have representatives of medical graduates, the Punjab Government add a tag,—“you better have them only that are in the teaching line”. Let me put it this way. If you are going to have representatives of the medical profession, you had better look only to the colleges for supplying these representatives. On the same analogy,

if you are going to have representatives of the legal profession, have them only from amongst the Professors of the Law Colleges. Sir; it would look ridiculous in this case. The Frontier Government see through the game: they say:

"The teaching business won't do: you must have members of the profession in the outside areas;"

Then, the Commissioner of Ajmer-Merwara at page 20 says:

"I consider that the proposals embodied in clause 3 of the Bill are most suitable for adoption."

Now, I come to the Punjab for which my Honourable friend has been anxiously waiting. At page 25, we have the letter from the Punjab Government:—

They say in clause (c):

"It is preferable that one member should be elected not by the medical graduates of each province where there is a medical register, but that in such provinces there should be Provincial Committees as defined in section 11, with the right to return one member, in the manner provided in clause (d) of sub-section (1) of section 3-A; but that, if direct election by medical graduates is decided upon, then the electors should be only the graduates who have teaching experience."

So this mischief of "teaching experience" started from here, I think, and there is very good reason for that. Education being a transferred subject, and the Minister in charge sending in this opinion, one can understand that the teachers are under his thumb, but not the doctors. But even then the Punjab Government is not satisfied. Here is their tag. They say:

"I am to add that the draft Bill was circulated as requested, and that the above views are those of the majority of the individuals and associations consulted, except that the various medical associations of this province are in favour of the President of the Council being nominated by the Governor General for five years and, after that, elected, and that direct election by medical graduates with experience in the teaching of medicine is preferable to election by Provincial Committees."

This is from the Punjab: call it reactionary, call it designed with a view to retaining their own power, but there it is. Unfortunately this Medical Bill was sent to the Judges of the High Court also who have recorded opinions which I shall now read. At page 27, we have the opinions of the Judges of the High Court.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** They are all agreed,—are they?

**Mr. Jagan Nath Aggarwal:** No. I shall first read the opinion of Mr. Justice Harrison. Nobody could accuse him of any communal interest, and so on. At page 27, at the bottom, he puts the matter very tersely. He says:

"The Government of India asks for our opinion on five points."

The point that I am concerned with is (3):

"Whether the alternative clause (d) in 3 or (d) in 3(a) is preferred."

On that point Mr. Justice Harrison says:

"I prefer 3(d) to 3(d) (a)."

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I go further. An Indian Judge, Mr. Justice Agha Haidar, recorded an opinion which will bear perusal. This opinion, I may point out, was concurred in by three other Judges,—Mr. Justice Jai Lal, Mr. Justice Rhide and Mr. Justice Hilton. This opinion was:

"The proposed Act is a step in the right direction. Referring to section 3 of the Bill, I fail to see why the President should be nominated by the Governor General-in-Council and why the various Local Governments of Governors' Provinces should nominate any members to the Council and why the Governor General-in-Council should again nominate three members. The Medical Council, as I understand, is going to be a scientific institution in which directly the members of the medical profession and indirectly the general public are interested. In order to maintain a high standard of honour and efficiency, it would be the plain duty of the members of the medical profession to elect the very best men available in their ranks to hold the various offices in the Council. As highly skilled scientists, they are in the best and most advantageous position to elect suitable men to serve in the various posts in the Council.

As regards section 19, I would suggest that the principle of reciprocity should be strictly adhered to. If there are any British possessions, which do not recognize the duly qualified medical men of India, the proposed Medical Council should refuse to recognise the medical qualifications of the nationals of those possessions. This is only fair."

Then, the Honourable Mr. Justice Dalip Singh agrees with the views of Mr. Justice Agha Haidar in regard to section 19 of the Bill, but does not agree with them in so far as they relate to section 3; he prefers section 3A. Mr. Justice Dalip Singh also considers that fees should be levied for registration.

Then, at page 52, we have the opinion of Bihar and Orissa. In paragraph 6, it says:

"His Excellency in Council would prefer the election of a member from each Provincial Committee of the Council to the election of a representative of qualified registered practitioners, and this is the view of the Provincial Medical Examination Board and of the Inspector-General of Civil Hospitals and the Director of Public Health; but the weight of opinion is in favour of the other alternative, and His Excellency in Council recognises that it may be necessary to concede this point in order to obtain the necessary support for the Bill."

Then, at page 54, the United Provinces Government say:

"This Government have always been in favour of giving the utmost possible weight to Provincial interests on the proposed Council and would give the right of electing a member to medical graduates enrolled on a Provincial register, but add to clause 5(3) of the Bill the words 'or ten years or more experience as a general practitioner', as an alternative to five years' teaching experience; local opinion is almost unanimously in favour of this last alternative, as otherwise the Medical Council will be overweighted with persons actually engaged in the work of teaching, who are already heavily represented by the Medical Faculties of the Universities, and, incidentally, have an overwhelming official majority at the expense of the general body of members of the profession."

The Bombay Government say the same at page 56, and Sind also the same at page 93. So far then as this part of the constitution is concerned, this section 3, concerning the giving of representation to medical graduates, I do not see what is the point in electing this Council by not enlisting the sympathy of all medical practitioners and asking them to close the ranks.

Similarly, Sir, I find that so far as the election of the President is concerned, though there may not be much in it, there is a point of principle underlying it. The principle underlying it is this: Are you going to create a body in which you are going to give the predominant voice to the officials who are to be in it, or are you going to create a body which will, in course of time, claim medical Swaraj for this country? If the President is a perpetually nominated official, as Dr. Dalal would have it, then, Sir, there is no possibility, even at the very remotest time, that this Medical Council will function as a body which will control the destinies of the medical profession of this country. Therefore, so far as the appointment of the President is concerned, the definite weight of opinion is in favour of the proposition that after a certain lapse of time—it may be three or five years—, this President should be a person elected by the Council itself.

Then, Sir, so far as the liberalising of the constitution is concerned, one further aspect of the question may be pointed out. So far as the present Bill is concerned, the attempt to leave out the licentiates from the present measure is obnoxious in principle and the reason that they number something like 30,000 in the whole of this country. There is no point in leaving out the licentiate. If it is inconvenient to have him on this register for the purpose of extra territorial recognition, if I may say so, you can have his name entered in a Provincial register.

**Sir Cowasji Jehangir:** He is on the Provincial register already.

**Mr. Jagan Nath Aggarwal:** You must have a common register to be maintained in the provinces to which he should have access. There is no point in allowing the licentiate to practise in this country when, for the purpose of conduct and discipline, he is excluded from the purview of the Medical Council. Suppose the Medical Council makes a rule that if a patient wants another doctor after he has called one, a certain convention should be observed. If I call a qualified doctor, a doctor with a degree, then he shall refer to the other man before coming to me and giving me advice. But if I call this licentiate, is he at liberty to ignore the convention and do what he likes?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** If the Honourable Member is asking me this question, then I will tell him that if he reads the Bill once again he will find that there is no such function allowed to the All-India Medical Council. None whatsoever.

**Mr. Jagan Nath Aggarwal:** If this Medical Council is not going to look into the conduct of the doctors and protect the public from them, then it is worse than useless. It should not be allowed to come into existence. It is simply a waste of public time and money, and so my learned friend should see that it does not come into existence. He and I have both got to be protected from the inefficiency of doctors and from all the trouble that we are heir to, and I do not see what point is there in not prescribing a rule of conduct.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Is the Honourable Member talking about licentiates?

**Mr. Jagan Nath Aggarwal:** As I said, Sir, it is an obnoxious principle of the Bill that it leaves out the large body of licentiates in the ranks of which you have a number of distinguished people. One instance comes

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to my mind which I may be permitted to mention. We have an eye doctor in our Province, Rai Bahadur Mathra Das, who has done more cataract operations than even 20 doctors put together could have done. He has the whole of the hospital to himself. I do not agree that you should allow the mere accident of possessing a degree to be the criterion for being on this register. So far as the licentiates are concerned, there should be no reason for absolutely leaving them out of the scope of the present Bill.

Then, Sir, there is another point to which I would just like to draw the attention of the House. It is the question of reciprocity. Under clause 19, we have at once granted recognition to all degrees of foreign and British possessions which have automatically received recognition in this country. We are told that this Medical Council will be able to carry on negotiations and will be able to insist on reciprocity. Sir, I do not see if there is much point in this reciprocity. Reciprocity is only possible when both sides are able to bargain and when both sides have their hands free. But when you have already conceded recognition to the other side, I do not see where the point of reciprocity would come in? It would be quite correct to say that those people who are in this country will be placed on the register, but for future enrolment it will be a matter for bargaining. But you do not do that. You do not recognise only those who were here at the time, but you recognise for all time to come all the degrees that this Council may have given. It is like asking a free trade country to enter into an arrangement of the nature of the Ottawa Pact with protectionist countries. That was the complaint which the late Joseph Chamberlain had. You insist on free trade for England and ask me to enter into tariff arrangements with other countries. That is an impossible proposition. You must first go protectionist yourself and then enter into a bargain. That is how you, as one of the negotiators in the Ottawa Pact, were able to carry on your negotiations, because both the parties were free to arrive at different tariffs. But if there were a country which was going to insist on free trade, I do not know how any reciprocity would have been possible. Therefore, I submit, Sir, that this Bill has so many obnoxious features that unless steps are taken to improve them, to mend them, I do not think any useful purpose will be served by going into a Select Committee over it. We have our recent experience of the Select Committees in which people go happy and come out sorry. Sometimes walk-outs take place and, at other times, various minutes of dissent are appended for the inconvenience of those who have to read them and digest them. Therefore, it is much better for those Members who are on the Select Committee and who are opposed to this Bill that they should stay away from it and not meddle with this obnoxious measure.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): Sir, years ago, even before the Reforms, under which we work today, the bureaucratic mentality of the times considered all criticism as obstruction. Now, Sir, I am sorry to find that the mantle of that old bureaucratic mentality has fallen on one of the members of the European Group who unfortunately is not here just now. Therefore, let me content myself by saying that I am sure the Leader of that Group, my old friend, Sir Leslie Hudson, and all other Members will be the last to wear a mantle already discarded years ago by my friends, the bureaucrats. Member after member of my Party got up to point out the defects of this Bill and, I am sure,

most of the Honourable Members present here today are now convinced that they had good reason to do so and that it was by no means a desire to obstruct a good measure, but it was a desire to co-operate with Government and to clearly place before them the many objections to this Bill which have been brought to the notice of "the uncertified adventurers" sitting on this side of the House.

No, Sir, I regret that Government did not take the precaution to nominate for this debate a doctor who could have placed the point of view of his profession before us clearly and concisely. It would not then have been the duty of any of us, "uncertified adventurers", to place before you the point of view which has been impressed upon us for the last year and a half by many medical associations. It is still more unfortunate, Sir, that the only medical Member of this Honourable House, instead of doing what I consider to have been his duty, namely, to place the views expressed by his profession before the House and by all means point out where he disagreed, should have neglected that duty and left it to us to voice the views of medical associations, the Presidents of which hold degrees my Honourable friend, the doctor, will never attain and who enjoy a practice which my Honourable friend will ever envy. Well, Sir, this has been our unfortunate duty, we who are "uncertified adventurers", to draw the attention of Government to what we have been told are defects in this Bill. I have no experience of the medical profession except that I have had to drink medicines prescribed by them for much longer than 35 years. But, Sir, if we do not place before this House the points that have been brought to our notice and if the only medical Member of this House will not do it and give his own opinion, may I ask, who is there here to do so? Now, Sir, I will not detain you by repeating the many arguments that have been placed before you, and may I venture to say, repeated *ad nauseam*. I will divide the points of objection into three or four.

I will first take some of the objections of the medical profession—and mind you, that medical profession has been represented by men holding the highest degrees England can give. Their first point of objection is the composition of the Council. I am not going to dilate on that. I am sure my Honourable friend, Sir Fazl-i-Husain, will, in Select Committee, see to it that at least some of those objections are met. I will state one fact and that is that today, due to past experience, we condemn the principle of nomination; but in a few years, when the opposite Benches will be occupied by elected Members of this House, the House itself may prefer nomination to the vagaries of election. Today, however, as things stand, I admit that the medical profession are justified in resisting nomination as the dominant factor in the composition of this Council. And, therefore, until this Assembly, in years to come, changes the principle of election to that of nomination. I would urge my Honourable friend opposite to adopt the principle of election rather than that of nomination.

Sir, the next point that has been dealt with so fully is that of reciprocity, specially by my friend, the Diwan Bahadur, who sits on my right. If this principle of reciprocity involved any risk to the many English men and women who live in this country, I could have understood a clause of this sort in the Bill. But I understand that any English doctor can come to this country and practise here under the present law of the land even when there is no reciprocity. Therefore this question of reciprocity does not affect the day to day conditions and lives of our English friends here.



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in India. Whether there is reciprocity or not, I understand,—and I stand open to correction,—the position is that an English doctor can come to India and can practise. That major objection having been put out of the way, I cannot understand why Government should have tied its own hands with regard to the bargaining which they will have to do. Would a business man, who had to enter into an agreement with the other side, say, before the agreement was signed or discussed: “I agree to give you all you want, and, later on, I trust to your generosity when I come with the begging bowl in my hands”? No business man would do such a thing.

Having got out of the way, the practical difficulty of supplying our English friends living in India with medical aid from their own countrymen, I see no justification for such a clause in this Bill. I see much worse, a deliberate weakening of the hands of Government and of public opinion when it comes to assert itself, and when you come to discuss this question with the General Medical Council. I see more; I see a weakening of the hands of our friends in England who have promised to do their best with the General Medical Council in the interests of India, if you give away their case by legislation at this stage. I trust that my Honourable friend, who is a patriot if he is nothing else, will see to it that under no circumstances will his hands be weakened or will the hands of our friends in England be weakened by legislation of this sort.

Now, Sir, I will come to the third important point in which there is some difficulty, and that is the question of the licentiates. We are told that this Bill is in the interests not only of the general public, but also of the medical profession. It affects them vitally and, if it is not going to meet with their approval, may I ask, what is the use of legislating for a profession when your legislation is condemned whole-heartedly by them? If their criticisms are wrong, by all means let us try to convert them; if their criticisms are right, you will have to amend the Bill. What I regret most is that there is no one here, or there has not been a speaker up to now, who has put the case so as to convince the medical profession that their criticisms have been wrong. I know that my friend, Sir Fazl-i-Husain, has had many conversations with the representatives of associations. I am sure, he has made every effort to put his point of view before them, but, so far as I can see, they still maintain their position and still believe that this Bill is unsatisfactory. I do not profess to understand their point of view completely. I see in some of their arguments a certain amount of bad logic; but, after all, if this Bill, when it becomes an Act, is to work successfully for the benefit of the profession and for the public at large, it must meet with their approval.

Another great point is this: It is, I may say, not mine: I am “an uncertified adventurer”. That point is this: that there are perhaps 36 or 37 thousand medical practitioners in this country, acknowledged to be medical practitioners by Government, who have received their education under Government auspices. You divide that medical profession into two sections: you call one section a highly trained one or a better trained one, or any other language you choose to use. You call the others less qualified. If you are to have a class of medical practitioners, who are less qualified than the others, and if the conditions in this country absolutely necessitate our having a large number of doctors for the agricultural

classes, does that also involve that their standard of education shall not be standardised? Does it involve that these licentiates in different parts of India shall have different qualifications, while your graduates of India have their education and their qualifications standardised? Why neglect the licentiates to that extent? They have been of your creation. You have admitted them as medical men. You have employed them to look after the millions that live in this country; and now, if on the score of expense, or, it may be, for the reason that Provinces are going to have autonomy, you say, it is not possible to standardise the education that you are going to give to the licentiates, then, I say, it is an argument I cannot accept, and certainly the licentiates will not accept. (Applause from Non-Official Benches.) Therefore, if you are going to have for the graduates a central body which will be responsible to the public, not to Government, but to the public for their qualifications, it is up to Government to see that a much vaster public, those millions who take advantage of these licentiates, shall also have the guarantee that the licentiates' qualifications throughout India will be the same. You may arrange it in any way you like. You may have Sub-Committees of your Central Committee in the Provinces to look after the education of the licentiates. The work of these Sub-Committees in the different Provinces may be co-ordinated by the Central Committee. You may make the Provinces pay for the work of those Sub-Committees. Sir, I say that it is a legitimate grievance of 30 thousand practitioners in this country if you do not provide for the standardisation of their education as you are attempting to do for the graduates in this Bill. And, therefore, before this Bill goes to Select Committee, I desire an assurance from Government more on behalf of the licentiates than ourselves. I want an assurance to these 30 thousand licentiates that you will look after the standardisation of their education and you will guarantee that the standard of education they receive will be maintained, at least as it is today, throughout the Provinces of India. I desire that Government shall give us some assurance that they will move in this direction, and, if possible, while this Bill is being examined by the Select Committee, Government will try their best to obtain the opinions, if it is necessary to obtain them, of Provincial Governments. I think it is a legitimate grievance that you should only attend to the education of six thousand medical men in this country and neglect the medical education of thirty thousand, leaving it to each Province to do what they like. Your object may be, as so many Honourable Members have said, other than the standardisation of educational qualifications, though that is the ostensible reason for this Bill. But if that is not so, you must follow it to its logical conclusion and meet the demands of the licentiates. I very well realise what is the object of these licentiates.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Is the Honourable Member quite sure that what the licentiates want is the standardisation of a lower form of education, a school education, as distinct from a collegiate education, or does he think that what they want is that there should be but one education, the collegiate education, or school education, or any in between the two? What is his impression, his information?

**Sir Cowasji Jehangir:** I will tell my friend what I understand to be their position—I may be wrong. Their position is this: that they want an All-India Register for the licentiates, if necessary along with the graduates, with the object of improving their standard of education. They

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do not mean to say that their standard shall be brought up to the standard of the graduates, but they do desire that their standard of education shall be improved and that it shall be equal in all Provinces and that there shall be a supervising body for All-India just as you are providing for the graduates. I must admit that their object is laudable. I cannot help feeling some sympathy for their aspirations.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** So do I.

**Sir Cowasji Jehangir:** Thank you. We know that a London L. R. C. P., who is styled a licentiate, is just as much a qualified doctor in England as a London M. D. I want to know from the Director-General whether there is a greater difference between our licentiates and our graduates than there is between the L. R. C. P. in London and a London M. D. Then, there is another class, the apothecaries—lower than the licentiate class: I shall leave that class alone. If the difference between the L. R. C. P. in London, who is a licentiate, and the graduates is less than that between the licentiates and the graduates in India, is it not the duty of this Government and of all Provincial Governments to see that the difference between licentiates and graduates is reduced? If it is the same, I will say that the argument of increasing their status, of improving their education, does not hold good. If there is some difference in England, the same difference may be maintained here. This is purely a technical question for the doctors to decide; but their contention is that in England the difference between the L. R. C. P.'s and the graduates is of a character which enables all of them to come on the same register, while the difference here is of a character which forces you to put them on different registers. If that be the case, I say, then it is your duty to raise the standard of education of the licentiates and bring them up, not to the standard of licentiates in England, but to an equivalent standard with regard to the graduates in India . . . . .

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** The Honourable Member is quite right when he says that there is hardly any difference between an L. R. C. P. of London and an M. B. of Edinburgh: he is perfectly right there; but what I wanted him to tell me is: does he think that in India one standard and one standard alone, that of graduates, is enough?

**Sir Cowasji Jehangir:** The answer is this: do not call them licentiates at all. Call them something lower and finish with it.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Will you kindly give a name?

**Sir Cowasji Jehangir:** Anything you like—apothecaries or anything you like: what we want in this country is a cheap kind of medical aid for villages: we want men of the fifth or sixth class who will have two or three years' training and who will be satisfied with 50 rupees and work in the villages: that is what we really want. Either have a class who cannot ever claim to be on a register, who cannot claim to be anywhere near the graduates, and have one standard: or have two standards, as they have in England with the same privileges. As my friend, the Doctor on my left, has said, you have made a mistake and you have got to do the best you can. I know in my own

Presidency the Surgeon-General put up a scheme which would take a young man from the sixth or seventh class, give him a couple of years' training and send him into the villages: he would be satisfied with 20 or 25 rupees: but that scheme was not accepted. If you are to go in for that, by all means do so; but so long as you have got a class which can claim to be called doctors, who are licentiates, then I take it that it is the duty of this Government and of Provincial Governments to look after their education, to see that it is standardised. I think, if it is within the reach of my Honourable friend, he will be able to meet public opinion and satisfy the profession. Of course the other question is a much bigger question, it is a wider question as to whether you should abolish this class or not: I am not here to speak about it; I am not here to criticise it. Your licentiates are of your creation, and I think it is due to them that you should, on the floor of this House, give some assurance that you will look after the standardisation of their education, that you will see that they maintain their position in this country, the position they have enjoyed as medical practitioners, that you will have a register of an All-India character, and that you will have a Central Body that will look after their education as you are providing for the graduates. I think it will be some satisfaction to the thousands of men who have served their country honourably, with the greatest credit to themselves and with benefit to the millions of the people of this country. (Cheers.)

**Shaikh Sadiq Hasan** (East Central Punjab: Muhammadan): Sir, before I discuss the merits of this Bill, I would welcome the idea of this All-India Medical Council.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Sir Hari Singh Gour.]

It is really a laudable object, but one has to look at it from two points of view, if not from three. The two points of view from which I am looking at it are the point of view of doctors and the point of view of the public. The object of this Bill, if I look at it from the point of view of the public, should be the alleviation of the sufferings of humanity, by affording relief and prevention of diseases, by maintaining a uniform minimum standard of qualifications in medicine. What I find here, the object of the Bill is not to maintain a uniform minimum standard of qualifications, but of higher qualifications. One thing is very clear, that the highly qualified doctors do not require such a strict supervision: nor does their education require so much supervision as that of doctors of the lower order. I think this Bill is not going to be the last of its kind; and the Government, in time to come, will have to think of thousands of *hakims* and *vaids* who are practising in the country, and they will have to recognise and encourage these systems, because we find even nowadays millions of our countrymen suffer through quacks: and, may I inquire, if the Government are here only to look after highly qualified doctors? And, if so, what is to become of those people who are going to be treated by lower qualified doctors? I think the only way is to elevate them and not to degrade them, as this Bill is going to do. I consider this Bill to be a very reactionary Bill in its character. It takes us back to the Minto-Morley reform period. Nowadays we find that indirect elections are tabooed and there is enfranchisement of the masses: in the new reforms,

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one thing is certain: that there is not going to be an indirect election to this Assembly: and, moreover, the number of voters is going to be increased. . . .

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** And there will be no nomination!

**Shaikh Sadiq Hasan:** Now, what do we find in this Bill? There is not going to be any direct election; and, as for the enfranchisement, we find that 30,000 medical practitioners, licentiates, are kept out of the purview of this Bill. The President is going to be a nominated member, and one member is to be sent up by each Provincial Government to this Council. As regards the Universities, we all know that these are more or less nominated bodies. They are also to send one representative, each from the Medical Faculty. Then, again, the Provincial Committees are also going to send one member each, and in most cases the Provincial Committees have got a majority of nominated members. Again, three members

are to be nominated by the Governor General-in-Council which 4 P.M. means that the whole Council is going to be an official ridden body. And this is going to happen when the Provinces are going to get, what is called, autonomy and there is going to be a Federation in the Centre. I do not know what sort of responsibility the Centre will have, but we all hope that the elected Members will certainly have some responsibility. My first objection to the Bill is that it is reactionary, that the Council is going to be an official ridden body, and that there will be no popular element in it. Besides that, Sir, it must be remembered that the majority of medical practitioners are not in Government service and that the number of private practitioners is preponderatingly large, and, in spite of that fact, they have no chance to be elected on the Council. . . .

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Why should they come?

**Shaikh Sadiq Hasan:** I honestly thought that in these days of democracy everybody will have full opportunity to show his ability, and that wisdom is not the monopoly of a few officials. Even non-officials have got their own ideas which are very useful. These private practitioners, coming into the Medical Council, I should have thought, would release new forces of energy and that the Medical Council will not stagnate as our Government are stagnating at present . . . .

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Then better come into Government.

**Shaikh Sadiq Hasan:** I suppose, Sir, elected Members will come into Government in a short time.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): And their nominees will be the nominees of the public.

**Shaikh Sadiq Hasan:** The Honourable Member himself, when he is elected again, will find considerable scope for work in the House.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Very well, what about this Council?

**Shaikh Sadiq Hasan:** I think the elected Members will be able to do much better work.

Then, Sir, the second point is about the medical licentiates, and I have to say a few words. I had the honour to preside over a meeting of the Punjab medical licentiates, and so I have studied this question. I find that these people, who have undergone a strenuous course, have passed all the staff examinations and have borne heavy expenses for their medical studies; they can certainly be called qualified doctors and not quacks, and so they should find a place in this Medical Council. Sir, I consider that the pioneer work, which they have done in rural India in making the rural people believe in the scientific western methods of medicine, entitles them to great respect. These doctors may be slightly less qualified than the graduates, but it must be remembered that they have been working in a very efficient manner and when the Government could entrust them with hundreds of dispensaries, there is no earthly reason why they should be kept down or degraded in the eyes of their own profession. Generally, people of higher qualifications are narrow-minded, they do not allow people of lower qualifications to join their ranks, but I find that some of the eminent doctors, who have expressed their opinions, hold the view that these licentiates should be included in this Council. If the Government really consider that these licentiates are less qualified, they cannot take away the licences of these 30,000 men, who are practising in all parts of India with great success. All that Government can do is to abolish the Medical Schools, so that they may not have any more doctors of that type whom they do not want to admit into this Council.

As regards reciprocity, I think the attitude of the Government of India is one of subservience which I would consider rather undignified. I do not think it is fair on the part of the Government of India to humiliate us in the eyes of foreign countries. We are going to acknowledge their degrees, while they refuse to recognise our degrees. I just want to ask, Sir, whether our doctors will be allowed to practise in those countries which are mentioned in Schedule II?

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): That question does not arise. There is nothing to prevent them to practise in all those countries.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Except where they will not be allowed to enter.

**Mr. G. S. Bajpai:** Naturally when they are not allowed to enter, they will not be allowed to practise.

**Shaikh Sadiq Hasan:** There are certain countries which do not allow our people to enter, and so the Mover of the Bill says, that question does not arise. It means that we should allow the doctors of those countries to come here and practise, whereas our doctors are not even allowed to enter their country, and, therefore, that question does not arise. I think it is putting coals on the fire. I think it is a most undignified attitude of the Government. They are humiliating us by asking us to accept this provision. I do not appeal to those elected Members who, in

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95 per cent of cases, vote with the Government,—I am the last man to appeal to them,—but I do appeal to the Honourable Member in charge of the Department, for whom I have the greatest respect, who is one of the greatest statesmen of our country, to rise to the occasion and not to humiliate us before the world.

Now, with regard to the Medical Council, if you expect the medical practitioners to get themselves registered, if you expect them to pay heavy fees, they should have some privileges too, otherwise the object of this measure will be completely defeated, there will be no use in having a Bill of this character. After all, you must think of decentralisation and hand over to the Medical Council powers which may be useful to them, some powers to safeguard the interests of the public, so that if some members do something, which is injurious, suitable action may be taken against them.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** I did not intend to intervene in the debate at this stage; I thought the debate, as it began, will continue, and I laboriously took down notes of criticisms which I felt were bound to be of the utmost possible use during the deliberations of the Select Committee. I was busy this morning too, but since the lunch interval it appears that the debate, in some cases, has proceeded on lines which can have but a remote bearing on the Bill. Therefore, I trust that the House will excuse me if I intervene in the debate at this stage, and place before it certain facts and considerations which, I feel certain, cannot but influence their opinion, and perhaps counteract the influences that have been in operation, as my Honourable friend, the Deputy Leader of the Independent Party, said, for the last eighteen months and more.

I quite appreciate that somehow or other our friends the licentiatees have got it into their head that the proposed legislation casts a very serious reflection on them, and in some cases they have gone so far as to say that it is intended to disgrace them and place them at a disadvantage. I very much regret that this impression has got abroad. I think it is useless for me simply to indulge in giving assurances that it is not so, or in telling them what I will do. For the present I want to place certain facts and certain points of view before the House and beg it that, in a matter of this kind, where there are no politics involved, where there are no considerations involved which divide this House into two sides,—the Government side and the Opposition,—the consideration given to this measure should be on lines other than those which are followed, so to speak, by convention. I trust I am not mistaken in the hope that the House will give this matter the consideration which it deserves and express its opinion on the merits of the Bill without fear and without favour—without any fear of the Government, or without any favour of any one, whether on behalf of the Government or on behalf of somebody else canvassing for it. (Hear, hear.) After all, the supreme consideration before the House is this. Is the particular measure that is for their consideration right or wrong? Is it in the best interests of the country or not? Is it calculated to achieve the object which it purports to set to itself? And I am prepared to take the judgment of the House. It is my ambition—I am free to confess—to act in this matter as if I were responsible to the House. (Cheers.) Sir, I wish to ask you, is there any reason why, in a matter like this, I should like to act irresponsibly? In whose interests please? Whose interests am I to serve if I am in this particular matter anxious not to serve the interests of this country? It is not a

matter of trade negotiations, it is not a matter of commercial rights, nor even of financial safeguards, that in a matter which to me seems extremely simple, I should be supposed to go out of my way to act in a manner different to the way that commends itself to most of you provided you also are prepared to act in a way responsible to yourself and to me? I want reciprocity, not only between our Medical Council and the General Medical Council, but between you and me too. If you are prepared to endorse this agreement, I on my part am prepared to endorse it.

Now, Sir, the first point is, what about the licentiates? I will go direct to it, because unfortunately that is the point which is uppermost in the minds of all of us. When we talk of the constitution, the nomination, and other things, the question of licentiates tinges all our considerations. In the matter of licentiates, I claim that I, in all probability, more than any other Member of this House, have deep regard for the licentiates. (Cheers.)

What is my claim based on? First and foremost, I count a large number of friends amongst the licentiates, and particularly four or five of them who have been my friends for the last 30 or 35 years. I have the highest respect for them, and in many cases I have placed myself under their treatment in preference to being treated by medical graduates, whether of an Indian or foreign University. You will, Sir, realise the difficulty of my position, when I have such a high opinion of several members of that distinguished order, is it easy for me to do anything which even indirectly may cast a reflection on that body of which they are distinguished members? (Cheers.) In the second place, as Minister for five years I had the good fortune of working with a large number of licentiates, perhaps seven or eight times larger than the medical graduates in my province. I found amongst them men of great ability, and, further, I had the good fortune of breaking down in the province the caste system from which they were suffering. A sub-assistant surgeon was a sub-assistant surgeon for all time and he could not move into the higher caste of assistant surgeons. Well, Sir, the rules were modified to permit of a sub-assistant surgeon rising to be an assistant surgeon. I find that about the same time, perhaps a little earlier or perhaps a little later, the same thing was done in the Presidency of Madras. It may be that the same has been done in other provinces. I am not aware of that, but still that was done and done under the reforms. In the third place, when I became Revenue Member of the Punjab, medical school education was one of the subjects for which I was responsible, medical school education not being a transferred subject. Therefore, Sir, I naturally took interest in that matter. It was there for the first time I came in touch with, or you may say in conflict with, the Government of India proposal as to legislation on the subject. I was not able to see eye to eye with the proposal which emanated from here in 1928 and many other Governments were in the same position, with the result that the proposals of 1928 were thrown out. A distinguished member of the Independent Party yesterday laid stress on the allegation that there have been three sets of proposals resulting in a Bill of 1929, a Bill in 1931 and a Bill in 1932, and he urged that the Bills have continued to deteriorate. On a comparison of these Bills, it will be found that this is not correct. All of us have our own points of view, but the first Bill had in it a provision that about 12 or 13 members will be nominated by the Governor General-in-Council. I do not know in what way it can be said that it is an improvement on the later provision that Local Governments will nominate their representatives. When you find in a Bill which deals with medical education for which the



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Provinces are entirely responsible financially as well as administratively the curriculum of which is under the control of the Universities which again are under the Provinces, can it be said that any measure designed to control that education, to impose a superior control over that control should be such as to make provision for the representation of an independent profession on it? There is the medical education for which the Province is responsible, financially and administratively. There is the local University controlling that education. This province wants to work with a sister province on co-operative lines, to arrange for a board of control which will co-ordinate their education, their efficiency, their instruction and their examinations.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty, resumed the Chair.]

Won't these provinces insist upon having representation on it? Would you devise a method in which they are altogether ignored? That is the reason why in the constitution there is a provision to which such strong objection has been taken by the last two or three speakers, saying that it is all nomination, what does it mean? Are not we going forward? Are we to go backward? We should have election. Yes, have it by Local Governments by all means. They are the units concerned. That is practically nomination. You are not going to have representatives of the people on it. This Council is not an institution like the Legislature to cater for the public at large in the sense in which legislative bodies are or local bodies are. Here is a very particular matter, a system of medical education under the control of the Provinces and the Medical Faculties and you cannot possibly make them agree to an institution placed above them without giving them representation on it. However, I am perhaps digressing. I was really talking about the licentiates. I was saying that licentiates have been all along, so far as I am concerned, those in whom I have been interested in a way as to do all I could for them and they have done very good work, but what do the licentiates want? That, I am afraid, they themselves do not know. That is the trouble. There are several schools of thought amongst us. One school of thought holds the view that has been expressed by some members in this House and their view has a great deal of merit in it, one uniform standard of medical qualifications in this case as is the case in England for instance. I am free to admit that there is a great deal of force in that contention. If you agree to that, the claim of licentiates for improvement of their education cannot be denied or challenged. The schools must be raised to the status of colleges or done away with. Either mend them or end them. There is no half way house between them. That is really what the bold spirits amongst the licentiates want and say. Those who are not as bold as this class say: "We do not know what will happen in future, but for the present improve our training, just add one more year, the fifth year to our instruction and we will be satisfied." With due deference to them, I do not believe that their sole desire is to have one more year added to their instruction without any compensation being given in return for the additional year of instruction given and in this lot of printed papers there is a good deal of material to the effect that this one year does not end the trouble. At once the question arises of initial general qualification before you start upon a study of a scientific course

like medicine. Is the matriculate the right person to start upon that course? Many are already shaking their heads with Dr. Ziauddin Ahmad and say "No". He must possess better qualifications than that. He must have more scientific education before he begins to grapple with scientific instruction in medicine. If you add the two years course to it, you get the medical graduate. Therefore, the position resolves itself into this. Does this House consider that there should be but one uniform medical qualification for India, or does it think that the peculiar financial and economic conditions of the country necessitate, unsatisfactory though it may be, the position that there should be more standards than one? I shall not say whether there should be two or three. Well, on this point, I do not know whether Honourable Members have had time to do any research or whether the Licentiates' Association have supplied them with any material? But I manage to have plenty of leisure and one does not give up one's studious habits even in these days of political turmoil and I found time, for going through a good deal of literature on the subject.

**Sir Cowasji Jehangir:** We have all been supplied with it.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** That does not mean that we all have read it! (Laughter.)

**Dr. Ziauddin Ahmad:** A good many of us have read it.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Well, I must say that Major Naidu's presidential address delivered at the 9th Session of the All-India Medical Conference last December showed that he had made a genuine effort to think constructively for his country. He did not indulge in the usual platitudes of what science has done, what sort of laboratory you ought to have, and all sorts of expensive instruments and expensive laboratories, but he set himself the task of answering the question, "have we got adequate provision for the supply of medical aid to the rural areas or not?" And he, agreeing with Sir Nil Ratan Sircar, came to the conclusion that we have not. He said that, according to Sir Nil Ratan Sircar, we ought to have 150,000 men more than we have in order to meet the requirements of the country. He thought that was an under-estimate and that we ought to have 200,000. Then he proceeds to say that we must have a third class of medical practitioners whom the country can afford. His idea was to have a man who is fairly well up in literacy and that he should have two or three years' training with individual practitioners and that then he should be examined and then sent out to the villages to work there. Well, some people may agree with him, others may disagree with him, but there is that idea that the most essential need of the country is the supply of medical relief for rural areas. Secondly, he recognised that medical graduates were not likely to do that duty. I have put it very crudely, when I have said that they were not likely to do that duty. What I really meant was that financially, and economically it was not possible to conceive a scheme in which the medical graduates can be used to meet this demand. Why? Sir, the rural areas cannot afford it and the State cannot afford it,—and the medical graduate is not a philanthropist, he cannot afford to be,—like you and me he has to earn his living. Major Naidu was, Sir, presiding over a Medical Conference in which the licentiates preponderated, may be, to

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the extent, as some Honourable Members were saying, of 30 to 1 or something like that. And he said, dealing with the question that the licentiates want to improve their position, that that is excellent, but what does it lead to? What are you after? He said at the Conference of the All-India Medical Licentiates Association recently held in Madras:

"The Chairman of the Reception Committee, a valued member of our Association and a veteran fighter, asked for the following reforms on behalf of the Licentiates:

- (1) The licentiates to be permitted to qualify themselves for the M.B.B.S., on such terms as the University may stipulate and lay down;
- (2) that the course of training be raised from four to five years;
- (3) that the standard of qualifications be levelled up by means of a minimum uniform standard of medical education being maintained throughout the length and breadth of India so that the licentiates may be eligible for recognition by the General Medical Council of Great Britain for post-graduate study;
- (4) that the licentiates be eligible for recruitment to Government service on such terms as the University graduates."

My Honourable friend sitting opposite, the Deputy Leader of the Independent Party, said that those were objects with which one cannot but sympathise. Well, Sir, is it right to sympathise with those objects when you know perfectly well that no Province in India can afford to satisfy them? Can you pay all the licentiates that you employ in the Bombay Presidency the same pay that you give to your medical graduates? If you cannot, is it right to encourage them in the belief that the time is not far off when you can hope to raise them to the same status as the graduates and that it will be the duty of the State to pay them in the same way? If you cannot do it, is it any use to play with this problem? Therefore, Sir, there are but two courses—either you say that you shall not supply medical relief to the vast rural parts of India and limit yourself within the limits of the most favoured of urban areas and have all your education of one standard and that the University standard. Within the means that your revenues allow you, promote that education. But you cannot go any further and leave the rest, Sir,—to whom? To fate? Is that the policy that this House advocates? That is not the policy that the Provincial Governments have accepted. In another medical journal, Sir, . . . .

**Sir Cowasji Jehangir:** May I ask a question? Does my Honourable friend mean to contend that Sir Nil Ratan Sircar supports this Bill?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** I thought I was dealing with the problem whether licentiates should be included in the Bill or not. I have told him that the views of the licentiates themselves are, as I understand them, not yet formulated; some of them have one view, some of them have another and, if the House waits for a few minutes, it would appear that some of them have still another view. I have told my Honourable friend what is the view of Major Naidu who presided at the last Conference. I shall presently be able to tell him what the view of Sir Nil Ratan Sircar is. The trouble really arises in this way. The hard-worked Members of the Legislative Assembly, getting

this mass of literature from the Medical Associations, naturally feel that this is the view of the Association. Undoubtedly it is the view of the Association. What is the Association? The Association consists of, say, 100 members, 70 per cent. of whom, perhaps 80 per cent., are licentiates. As the Honourable Members perhaps know, I sympathised with the deputation of the Association (with which I had the pleasure of having a talk) in this domestic trouble of theirs. Medical graduates are in an extraordinarily difficult position. If they tell their fellow brothers: "My dear fellows, we are graduates and you are licentiates. Is college education the same as school education? Is an overseer the same as an engineer? What are you talking about? You must be sensible". Then those 80 people get excited. And you know when people are excited, they are not quite safe. The result is that they say: "All right, anything for peace sake". I trust that will not be the attitude of the present Assembly or the future Assembly. So, really they are in a great fix, but do not put them in a greater fix. Let us shoulder our responsibility boldly.

Let me now proceed, Sir, with the point I was developing. The real position is that the views of the graduates on the point are that they do not want the licentiates to come on to this register. If you do not believe me, I can give you the references. The Punjab Medical Council, in its letter dated the 6th November, 1931, says that the feeling amongst the graduates is pretty strong. On page 45, you will find that the Burma Medical Association also says something of the same sort. They say:

"This Council is of opinion that recognition to qualifications in medicine granted by medical schools cannot be accorded at present. Sd./Registrar, Burma Medical Council."

The opinion of the Faculty of Medicine of Bombay (page 60) is:

"For the present such licentiates should not be brought within the purview of the Council."

Are the Honourable Members really serious in thinking that on the question of the qualifications . . . . .

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadian Urban): May I know, Sir, if that Faculty is an official body?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain**: It is no more official, Sir, than this Assembly or the coming one. Do not be under any delusion.

**Sir Cowasji Jehangir**: If the Honourable Member wants references, I have numbers of them signed by London M. D.'s from Bombay, and all parts of India. They say that licentiates should be on the register.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain**: Perhaps the Honourable Member is not unacquainted with Sir Nassarwanji Choksi who comes from the same place as the Honourable Member does.

**Sir Cowasji Jehangir**: If I may say so, he is the only one who supports this Bill.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Again, Sir, I want to keep away from the point of supporting the Bill or opposing it, because a perfect Bill has never yet been produced, and most people have got objections to urge against something or other. Some may object to the Bill, because of the official President; others may object to it, because of the nomination of Local Governments, and still others, because of the various other points. Therefore, to say that they are all opposed to it does not really matter very much with reference to the question that we are discussing. Is it really an issue between me and my friends sitting opposite that as regards the licentiates and the graduates in the matter of initial qualifications, in the matter of professional qualifications, in the matter of service which is open to them, and in the matter of their emoluments, there is the slightest doubt on the subject? If there is, then I do not see that there is much chance of our agreement on the subject. If, on the other hand, we realise definitely that the product of medical schools, who can get from Rs. 60 a month to perhaps Rs. 150 a month, is not the same article as the medical graduate who starts on Rs. 225 a month and can rise up to Rs. 450 and more . . . . .

**Sir Cowasji Jehangir:** That is admitted.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** Further, my second proposition is that knowing the revenues of Provinces, knowing the desire of the Honourable Members opposite as well as my own desire to lighten the burden of the tax-payer, who is at present groaning under the heavy burden of taxation, do the Honourable Members propose to impose fresh medical tax so as to raise the standard of education of medical schools to medical colleges? Or, afterwards, do they want the remuneration of licentiates to be raised to that of the degree holders?

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam: Non-Muhammadian Rural): Are you aware that in Madras in the rural scheme the medical graduates are paid only about Rs. 60?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** With reference to the Honourable Mr. Raju's interjection, I was not aware of the fact that in Madras the scale of remuneration was somewhat lower than what prevails in other Provinces and that is the secret of the domination of Madras at the Centre as well as in other Provinces. But that surely does not mean that it is intended that Madras should supply the rest of India with medical men. No, Sir, I am perhaps misunderstood. I certainly do not mean that the Madras practitioners would not be welcomed. They will be welcomed everywhere. What I mean is that even so the Madras Government is not yet able to reduce the scale of Provincial Medical Services in the light of what the Honourable Member has said.

**Sir Cowasji Jehangir:** May I interrupt the Honourable Member? The point is not whether the licentiates' education should be so improved as to make it equal to that of the graduates, but whether there should or should not be a register and a central body even to maintain the standard of education amongst the licentiates and make it equal throughout India and put them on a common register throughout India.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** That is quite a different story. If once we are agreed that for India one uniform standard of medical qualifications is not practicable, then we go on to the second stage. Since one uniform standard is impracticable, let us now put our heads together and see what can be done when for India two standards of medical education are inevitable.

Now, Sir, I proceed on to that part of the case which tries to deal with the situation of what should be done when there are two standards of medical education and what is the right course to adopt. For the sake of economy of time and brevity of expression, I might say that the two standards are the school standard and the University standard. Here, Sir, with your permission, I will take up the question how is it that the present Bill has come to be what it is? Various Members have given various reasons for it; some have said that it is entirely due to the General Medical Council hustling us or hurrying us or dictating to us. Others have said that we want to conceal that fact and, therefore, pretend that it is to standardise University education or to co-ordinate the efforts of various Universities in that direction. As was said by my friend, Mr. Bajpai, the truth lies between these two extreme views. There is no denying the fact that the question became acute on account of the insistence of the General Medical Council, insistence on being supplied with evidence that the standard of medical instruction in our Universities was not deteriorating. They said, they have to discharge a statutory obligation to the effect that those who are on their register get thorough instruction and examination which is not below a certain standard. They said: "We do not want to interfere with your affairs, only give us the evidence." Now, Sir, how can you give evidence? First, knowing yourself what your standard is. Now, Sir, the Honourable Member for Education in the Government of India, my predecessor, had no means of knowing what the minimum standard of medical instruction in colleges was, because after the reforms each Province looked after its medical education itself and no reports were furnished to the Government of India whether one particular University was stiffening or relaxing its control over examinations, and so on. There was no means of judging; and naturally inspection was resorted to. That went on for two or three years. The Government of India and the General Medical Council fell out on the question of personnel of the commission. A deadlock resulted and the idea of the General Medical Council was considered to be a solution of that matter. I do not think Honourable Members opposite have any better suggestion to make. If there are eight or nine Universities and if each one of them is within its own Province autonomous and they are each anxious to know what is happening in the other Universities, the cheapest way of their knowing is that there should be a common organisation for these nine Universities which would report to them, comparatively speaking, what is going on in each University. And it was but natural that the Government of India should offer its good offices to the Provinces to bring about that co-ordination. Therefore, Sir, when it is claimed that the Government of India desired to afford this necessary co-ordination, there is nothing wrong at all about it and it is not a claim which is untrue or false. On the other hand, when it is said that the General Medical Council pushed us into it, that is not altogether inaccurate though it is not quite correctly put. Therefore, Sir, when it is said that I was hustled and so on, my friends are very well aware that being hustled is not one of my peculiar weaknesses.

[Sir Fazl-i-Husain.]

I feel a little bit hurt when one friend after another says that I am rushed and hustled, and so on. I should like to see my friends hustling me or rushing me. I am not hustled and I am not rushed, but I am absolutely at their service in meeting them on every reasonable point. When the General Medical Council said that an Indian Medical Council was the solution, they looked at it from their point of view, and I looked at it from my point of view and I welcomed the idea. As a matter of fact, when I say "I", it means my predecessor, because I had not come into office then. Then, when the idea was mooted, naturally difficulties arose resulting eventually in the present Bill. So, in the present Bill, when it was circulated, the preamble was a vague one, which said medical qualifications, and so on, without mentioning whether it was the higher qualification or the lower or it was intended to apply to all. When that Bill was circulated, it very naturally, I now find, gave occasion for misunderstanding and misinterpretation. That was a very very unfortunate preamble and I sincerely regret that we were responsible for it. But then most people are wise after the mistake is committed and we are no exception to it. You will find on page 5 of this paper-book that we want to establish:

"A Medical Council in India and to provide for the maintenance of a register of qualified practitioners of modern scientific medicine in order to establish a uniform minimum standard of qualifications," etc.

Very naturally the licentiates said: "We have been up till now treated by Government as qualified medical men. Here is this preamble 5 P.M. which says that on this register medically qualified men come and these fellows do not want to let us in. This is sheer jobbery." I entirely agree that their criticism was very well founded indeed and that criticism was made by the licentiates and by a number of other people. In fact amongst those, who pointed this out, was Dr. Anderson.

You will find it at page 22, Burma pointed this out at page 43, and United Provinces Government did it at page 54, and you will find the President of the Licentiates' Association at page 136 telling the same thing and a number of other people; but I want the Honourable Members to bear this particularly in mind. May I ask them whether they have had access to another interesting piece of literature on the subject: "The Proposed All-India Medical Council and All About It". It is a very useful publication, it contains the history of this problem, contains opinions and very useful comments, and the Secretary has tried to be extremely fair and has added a foreword to this publication.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Order, order. The Chair would like to know from the Honourable Member if he proposes to take a longer time.

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain:** I will take some more time. But may I, with your permission, Sir, read this before you adjourn the House. In the foreword, this authoritative communication from the Association says, after the first two paragraphs dealing with the importance of licentiates and their claims:

"There could be some reconciliation in the Association if the proposed council was termed the council of medical graduates of an All-India Medical Council."

It was, Sir, this suggestion of the Licentiates' Association themselves which made us alter the preamble of the Bill in order to make it accord with what is the Bill intended to achieve and what is the substance of the Bill. This is, Sir, to meet the charge which was levelled against us by the Honourable Mr. Raju and we are grateful to the other Member of the Independent Party, the Honourable Mr. Mudaliar, for defending us that to alter the Bill after circulation is to show responsiveness to public opinion and not to commit a heinous offence.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Does the Honourable Member like to resume his speech on the next day?

**The Honourable Khan Bahadur Mian Sir Fazl-i-Husain**: Yes, Sir, I will continue.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 15th February, 1933.







***CORRIGENDUM.***

In the Legislative Assembly Debates, Vol. I, No. 2, dated the 2nd February, 1933, page 123, in the tabular statement in column 2, against the figures "21", for "Bombay" read "Bengal".



# LEGISLATIVE ASSEMBLY.

*Wednesday, 15th February, 1933.*

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The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

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## PANEL OF CHAIRMEN.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I have to inform the House that under Rule 3(1) of the Indian Legislative Rules the Honourable the President of the Legislative Assembly has been pleased to nominate Sir Hari Singh Gour, Sir Abdur Rahim, Sir Leslie Hudson and Mr. Muhammad Yamin Khan on the Panel of Chairmen for the current Session.

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## COMMITTEE ON PETITIONS.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I have to announce that under Standing Order 80(1) of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions:

Sir Leslie Hudson.

Sir Abdulla-al-Māmūn Suhrawardy.

Mr. B. Sītaramaraju.

Mr. C. S. Ranga Iyer.

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## RESOLUTION *RE* GRANT OF WAR PENSIONS TO INDIAN SOLDIERS.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, the Resolution that has been balloted in my name reads thus:

"That this Assembly recommends to the Governor General in Council to appoint a Committee of this House consisting of four elected Members under the Chairmanship of the Army Secretary to enquire into:

- (i) the discontent among discharged and disabled soldiers and the widows and dependants of those who gave their lives in the Great War on account of non-grants and inadequate grants of pensions and other military awards; and
- (ii) the question of the forfeiture of pensions of many such persons on the recommendations of Local Governments on the ground of sympathy to and participation in political activities in spite of the fact that at the time of earning these pensions the Regulations prohibited such forfeiture;

and to make recommendations to remove the aforesaid grievances."

[Mr. Muhammad Azhar Ali.]

This matter has been engrossing the attention of the public for a very very long time, ever since the war ended in 1919: we have been receiving soldiers after soldiers, battalions after battalions returned from the fronts where the sons of India fought side by side with the sons of Europe. Notwithstanding, it is a matter of great surprise that men in the army have been treated in the most shabby way that has been ever meted out to the armies in any part of the world. Agreements have been broken, contracts have been flouted; public opinion has been disregarded. As we find now, this is the condition of the poor, old and disabled soldiers of this country. (*An Honourable Member*: "Shame.") What can any Government expect in future, especially the British Government? (God forbid that the time should ever come for another Great War. But, if such a time comes, how can India come to the rescue of the European countries or the mighty British Empire?

If I were to give the facts and figures, it will take up most of the time of this House and, therefore, I do not like to go very much into the details, but, as far as it is possible for me, I shall lay before this House the number of the people who have been discharged, who have been disabled and who are still roaming about the country without any relief from the Government. I know that there are Soldiers' Boards in every district: but, to our great surprise, those Boards have sometimes not only failed, but I know that there was a very serious case in my own province where some criminal cases were started on account of embezzlement of the pensions of these disabled soldiers. I find that out of the four lakhs of people who were disabled only about a lakh and a half are given relief by the Government. The wives and children of these disabled soldiers will not bless the Government, but will curse every one who has had a hand in the recruitment of these disabled soldiers.

I have here a publication entitled "India's Contribution to the Great War". In this I find that the Indian ranks, sent overseas to serve in the war theatre, were 1,096,019, out of which on the 31st December 1929, the total death casualties are shown by the Government as 53,365, and the total wounded casualties as 62,502. Now, comparing these various figures of casualties given in the "Official History of the War", you will find the total under heads—killed, missing, prisoners of war, died of wounds, diseased or injury,—if these are taken as one; and the total wounded, sick or injured less died of wounds, disease or injury—if they are taken according to the "Official History of the War", to be 7.69. Then, by applying the rule of three and using the above ratio, the total of wounded, sick or injured, less died of wound, disease or injury, comes to about four lakhs, whereas, in the Government statistics, as I have just mentioned, we find that these are only about 53,365. Why this disparity? Is it not fair and honest that this figure should be corrected, that this ratio should not be taken as an incorrect one, that the honour of the British Government ought to be kept up, that the inquiry should be made sufficiently honestly to give these people the relief which they are seeking from post to pillar.

I have been informed and I have it on authority that people have been trying and soldiers have been going from one place to another, but every door is closed to them; the Courts are closed to them; there are regulations to the effect that no suit against Government can be brought in the Civil Courts; although I know

that at present there is a suit pending before the High Court, and the first or primary plea in that suit is that the High Court has no jurisdiction to decide these suits. They are thus driven from post to pillar and when they go to the Civil Courts, they are debarred by the regulations and enactments which are always changing. Is this the relief that the Government have given to these people who have laid their lives and for whom Government are always raising monuments everywhere in this country? We find a great many monuments erected to the memory of the old and disabled soldiers, but they are of no avail in the face of these facts. If I were to read here the extracts from all the questions that were put in this very House, it will be a very detailed list, but I will give a few. In the statement laid on the table on the 15th September, 1932, the Government say that the war pensions are chargeable to the British Exchequer and that the Government of India ought to have claimed a disablement pension for 438,596 casualties from the "War Office" or the British Exchequer, but it was not done. They say that the British Exchequer is liable to pay all these pensions and not the India Office. Sir, my contention is, why did not the Army Department claim this from the British Exchequer on the termination of the war, or even after the war was over, up till now?

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadan): Blood is thicker than water.

**Mr. Muhammad Azhar Ali**: My friend says that blood is thicker than water, but the finances of the British Exchequer are not such that they cannot support these disabled soldiers.

Sir, the question of limitation has also been raised by the Army Department, and they say that these claims of the disabled soldiers and their widows are barred by limitation. Is this not a matter of conscience? Is this a matter of rules? Is this a matter of law, that you ask the people to lay down their lives for their country and in the defence of the Empire and then come forward and take shelter behind the plea of limitation? Sir, in reply to question No. 1544 of the 5th December, 1932, the Government admitted that there were no rules, that after a certain period the claims were barred. This is the position that I want to lay before this House so far as the disabled soldiers are concerned.

On the 12th February, 1932, by starred question No. 274, Sardar Sant Singh wanted to know whether it was not a fact that in many cases Medical Boards held on Indian ranks certified that the disability contracted on active service during the Great War was not attributable to field, foreign or ordinary military service, and whether about three lakhs of sepoys and their families remained without pensions. Government's answer to this was very unsatisfactory. The Army Department did not give a proper reply. In the "Ministry of Pensions Medical Review" as given in the "Official History of the War" (on page 315), death casualties (on all fronts) on the date of Armistice, 11th November, 1918, that is during 51 months of fighting amongst British troops excluding Dominion troops, were 750,000, out of a total of 6,000,000 who served, that is 12½ per cent. of the total. Against this, amongst the Indian ranks on the 31st December, 1919, that is during 65 months from the commencement of the war, death casualties, including missing and prisoners of war, are shown as 53,365, that is, less than 5 per cent. of the total who served in war theatres. It is not unreasonable to think that the proportion of death casualties amongst Indian ranks was by no means less than

[Mr. Muhammad Azhar Ali.]

the proportion amongst British ranks. Sir, in this connection I would like to read before the House a few appreciative remarks made by the late Lord Curzon. This is what he said:

"Without any hesitation, India sent her troops to fight Germany with whom she had no quarrel. Indians were not fighting for their own country or people, they were not engaged in a quarrel of their own making. The climate was entirely different to what they were accustomed to; they had to face severe northern winter. They had never before suffered shell fire, had no experience of high explosives, had never seen warfare in the air, were ignorant of northern trench fighting and were exposed to all the latest and most scientific developments of the art of destruction. They were confronted with the most powerful and pitiless military machines the world had ever seen. They were rushed to the battle field immediately, while the Canadian troops and British Territorials were despatched to the scene of action only after further training of several months".

Now, Sir, after these appreciative remarks, does it lie in the mouth of any one to say that these Indian soldiers lagged behind any one in the world in the theatre of war? Assuming, however, that the death and other casualties amongst the Indian ranks go by the same proportion as amongst the British ranks as given in the "Ministry of Pensions Medical Review", the Indian death casualties come to about ten lakhs. Now, if we take a proportion of these percentages, it comes to 303,595. This is the figure which I place before the House, namely, that 303,595 soldiers have been left unprovided for, whose widows are unprovided and whose children are going abegging from street to street. This is the condition of our disabled soldiers in this country. Of course, it is very difficult for me to relate before this House all the grievances which our soldiers have, but, Sir, I would merely conclude by reading an extract from His Majesty's Message read out by Lord Hardinge to the Imperial Legislative Council on the 8th September, 1914:

"Paramount regard for treaty faith and pledged words of Rulers and Peoples is the common heritage of England and India".

Then, again, His Excellency Lord Hardinge in the course of his speech after reading the King's Message observed as follows:

"War is a terrible and horrible thing, but there is a thing worse than war, and that is National Dishonour and Failure of a Nation to keep its engagements"

Sir, these are very pregnant words. Warning has been given by Lord Hardinge that the consequence in future may be very serious, and if National Dishonour and National Failure have any meaning, then we ought to respect our words, we ought to respect our contracts and our agreements. The object of my Resolution is only to ask the Government to keep their honour and their words. With these words, Sir, I move my Resolution.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Resolution moved:

"That this Assembly recommends to the Governor General in Council to appoint a Committee of this House consisting of four elected Members under the Chairmanship of the Army Secretary to enquire into:

(i) the discontent among discharged and disabled soldiers and the widows and dependants of those who gave their lives in the Great War on account of non-grants and inadequate grants of pensions and other military awards; and

(ii) the question of the forfeiture of pensions of many such persons on the recommendations of Local Governments on the ground of sympathy to and participation in political activities in spite of the fact that at the time of earning these pensions the Regulations prohibited such forfeiture;

and to make recommendations to remove the aforesaid grievances."

**Mr. Gaya Prasad Singh:** Sir, I have great pleasure in supporting this Resolution. My Honourable friend, Mr. Azhar Ali, has placed the facts so clearly and so succinctly before the House that I do not think a long speech of mine is needed to commend this Resolution to the House. Sir, let us recall for a moment the dark days when the Great War was on, and when England was engaged in a death grip with Germany. At that time, Sir, the thin khaki line, which was wavering in the field of Flanders, was strengthened materially by the timely advent of Indian soldiers from this country thus saving a situation that was growing worse and worse every day.

Sir, in the words of one of the ex-Viceroy of India, Lord Hardinge, India was "bled white" to save a situation of utmost peril to Europe. Indians at that time were recruited in large numbers; they were rushed to the battle fields of Europe and other continents; and at great personal risk and sacrifice helped England and brought back the honour and glory of the British Empire. What happened after that? The claim of many of those people to legitimate war pensions was trampled under foot, and the Army Department have turned a deaf ear to the entreaties of these soldiers who were disabled in the Great War. Over 11 lakhs of Indian soldiers were engaged in the Great War, and the claim of many of them, or of their dependants, who were killed or wounded, are still unrecognised.

It has been admitted by the Government in their statement laid on the table on the 15th September, 1932, that the war pensions are chargeable to the British Exchequer. Now, I should like to ask my Honourable friend, the Army Secretary, as to what steps they have taken in giving pensions to those who have not yet received their dues. When my Honourable friend, Mr. Azhar Ali, was making his speech and asked why the Army Department had done nothing in the matter, I ventured to interject a remark to the effect that blood is thicker than water. Have they got such a tender feeling in their hearts for their own countrymen in England that they have turned a deaf ear to the entreaties of those who have rendered them great service at a time of immense national calamity? In reply to a question which was put in this House on the 9th March, 1932, the Government said that the persons invalidated from service overseas on account of disability not attributable to military service have never been eligible for disability pensions. Later on, in reply to a question which was put on the 5th December, 1932, Government admitted that the agreement with the Indian Ranks was that they would be given pension if discharged as unfit for further service owing to disabilities contracted on, or attributable to, field or foreign service, but that it was subsequently altered. I want to know one thing. These soldiers, when they were sent out on active service, were passed medically fit before leaving India for the war. They served for some time in the different field operations, and then were invalidated back to India and here discharged from hospitals as unfit for further service and their agreement was as stated above, that if they contracted disability on field or foreign service and discharged as unfit for further service, they would be given pensions. My contention is that this promise has not been fulfilled in many cases. In answer to a question on the 29th November, 1932, Government admitted that Army Instruction No. 238 of 1921 provided that where the cause of death became manifest on field service, the presumption was that the death was attributable to field service. This rule, I understand, was subsequently altered, and under the altered rule it is at the sweet will



[Mr. Gaya Prasad Singh.]

of the Medical Board to certify death, wound or injury to be attributable to military service. The Medical Board, which was formed to go into this question, had only officers who, in the capacity of Crown servants, had got to follow the economic policy of the Government in England. By Army Order No. 363 of 1932, which was issued, friends, agents, counsels, and even the civil courts are debarred from taking action in the matter of the pensionary claim of Indian Ranks, and appeals against the decisions of the Officers Commanding are not entertained and are returned to the individuals concerned for submission through the self-same Officers Commanding who have rejected them, and these Officers Commanding possess powers to withhold appeals, as admitted by the Government in the statement which was laid on the table on the 15th September, 1932. Sir, the soldiers are for the most part poor and illiterate. They do not know how to put in their own claims. They have, therefore, to take the help of an agency which renders them service as in other walks of life, for instance, in the matter of professional advice . . . . .

**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Does this agency help them gratis, or does this agency charge them one year's pension?

**Mr. Gaya Prasad Singh:** I should like to ask my Honourable friend whether he does his professional work gratis, or whether he charges fees from his clients?

**Mr. Muhammad Yamin Khan:** I am merely asking what is this agency.

**Mr. Gaya Prasad Singh:** Why should not this agency charge some sort of fee for the work done by it as my Honourable friend charges fees, and sometimes heavy fees for the work done by him for his clients? I am very glad at the interruption of my Honourable friend. I have got at least two instances in which the order of refusal by the Officer Commanding has been reversed at the instance of this agency whom my Honourable friend tries to deprecate. In the case of Havildar Ragbir Singh, the order passed by the Officer Commanding was this on the 19th September, 1927:

"It has been ascertained by the C. M. A., Lahore, that you were granted an ordinary pension by invaliding Board, and not by mustering out rules. Hence no action can be taken to alter your pension now. Please note for future guidance that all correspondence should bear your home address and not an agency's address. Letters addressed from such an agency will not be accepted by this office.

That is what he wrote. But, later on, through the help of the very same agency his pension was granted, and this is what the Military Accountant General writes on the 26th March, 1928:

"In continuation of this office memorandum dated the 31st January, 1928, Havildar Ragbir Singh is informed that his pension has been re-assessed, and that he should now place himself in communication with the Controller of Military Pensions Accounts, Northern and Eastern Commands, Lahore, for payment of increased rate of pension."

This was the work done by the agency for whom my Honourable friend has apparently not got a high regard.

**Mr. Muhammad Yamin Khan:** It was not so. I only wanted it for information.

**Mr. Gaya Prasad Singh:** I have given the information most willingly, and I am supplementing it by reference to concrete cases in which the efforts of the agency have been successful.

**Mr. Muhammad Yamin Khan:** Quite right.

**Mr. Gaya Prasad Singh:** In another case, the case of Risaldar Amar Singh, the Officer Commanding recommended his pension in 1929 to be assessed at field service rates, but then his claim was rejected by the Controller of Pensions, as will be seen from his letter dated the 7th March, 1930. Later on, this man's pension was also granted at the field service rate with the help of this very agency. I am not going to trouble the House by referring to individual cases. I referred to two cases merely to refute the underlying insinuation contained in the interjection of my Honourable friend, which interjection did not seem to be quite as innocent as he now tries to make it out.

Now, Sir, in England statutory rights for disability and family pensions have been recognised, as admitted by the Government in answer to question No. 285 of the 29th March, 1932. Pension Appeal Tribunals have been established, whose decisions are binding upon the British Government as regards entitlement and assessment, and the pensioner is allowed two copies of all relevant documents, one for his friend or solicitor, and one for himself. This shortly is the procedure which, I understand, is followed in England; but here it has been held to be a crime if a military pensioner approaches any one who can help him in getting his pension. This fact was admitted by the Government in answer to a question which was asked in March, 1932, and on the 5th December, 1932.

Sir, I should now like to conclude my observations by making an earnest appeal to my Honourable friend, the Army Secretary. He should recognise that troubles are brewing even now in the Far East. War clouds are gathering there, and it is just possible that they might bring on serious political crisis, which might put the Government of India under the necessity of calling upon the Indians once more to take the field. I am very much afraid if the treatment which they have meted out to many of the disabled soldiers is to be an index of their future conduct in relation to the Indian soldiers, it will be very difficult for them to get many recruits again for active service. In that case England's difficulty will be India's opportunity. Solemn promises have been in the past treated as mere scraps of paper. These people have, at immense personal sacrifice, loss of life and limb, done yeoman's service to the cause of the British Empire. It is now up to the Indian Government to take a sympathetic view of their cases, and to do justice to cases which deserve justice. I hope if my Honourable friend, the Army Secretary, gives a sympathetic reply to the case which has been made out on this side of the House, it would not be necessary for my Honourable friend to press this motion to a division. With these few words, I support the Resolution.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I congratulate Mr. Azhar Ali for moving this Resolution. I know that several Members of this House also gave notice of the same or similar Resolutions. It would certainly have come with a good grace if this Resolution had been moved by those Members of the House who claim to represent the so-called martial races of India. I still hope that,

[Mr. S. C. Mitra.]

though they are Nominated Members, they will subsequently take some part in this debate and will help us to carry this Resolution. If I had to move this Resolution, I would have preferred to omit the second part at the present moment. I know, the Honourable the Mover of this Resolution wants that Government should give sympathetic consideration to an inquiry into these matters, I take it, it is known to all, what great services were rendered by the Indian army in the different fields of war. Political memory is short, but I think the British nation has not forgotten within the last ten or twelve years as to what they owe to the Indian soldiers. That the British nation has accepted the liability of paying the pensions for the dead and disabled soldiers is also not disputed. It has been said often that because the money is paid out of the British Exchequer, the subservient Government in India may feel hesitation in approaching them even in very just and good cases. The difficulties of these disabled soldiers are many, not to speak of the children and dependents of the dead soldiers. It is known that the ordinary soldier or his relations are generally illiterate. It was claimed during the last debate that they had strong muscles, but very little brain. It may be partially true, but if that be the case, the Government should be anxious to see that these able-bodied soldiers, who have got little brain, might find redress.

I shall, later on, deal with the matter of the agency, but I can tell the House that there are so many rules and regulations from time to time that it is difficult even for Army Secretaries and the Controllers of Military Pensions to interpret the rules correctly and, further, as time goes on, these rules are changed at the instance of some officer here or in England and these poor soldiers or their dependents are not likely to know the intricacies of these rules. In some of these cases the people were asked to apply through the proper channel and, in other cases, to write to their regiment or battalion. Some of these have been disbanded. These poor fellows are sent from pillar to post. They do not know where to go to get some redress and then they are asked to produce papers. In many cases there are no papers and even if there were, they have probably been lost, while the man was in hospital. On these flimsy grounds, the whole case of pension has been refused. It has been suggested by Mr. Yamin Khan that these agencies charge something, but I think we should all be grateful to these agencies for helping these poor disabled soldiers even though they charge a small percentage.

**Mr. Muhammad Yamin Khan:** Not a small percentage.

**Mr. S. C. Mitra:** My Honourable friend, Mr. Gaya Prasad Singh, has shown that there are specific instructions that they must apply directly and, if letters come through this agency, they will not look into it. I think some of these cases were prejudiced because they came through this agency. The British Government have peculiar notions. They have elaborate procedure, which must be carefully followed, but when these poor disabled soldiers, after having failed to get some redress come through the agency, it is said that their cases should not be considered, because of representation through non-official agencies. If there is time, I shall refer to cases where it has been found that even those which were rejected by the Officers Commanding and the Controllers of Military Pensions have been accepted by the Government of India on appeal; only perhaps

the case having been properly represented by a special agency. When it is not considered against public policy for lawyers to support their clients, what harm is there if these poor disabled soldiers are helped to put their case properly and according to the Army Rules and Regulations. The cases of these poor people stand on high ground. There are a number of cases where even after 15 or 20 years these poor soldiers, have got redress by somebody putting their case before the authorities in a regular and proper form. With regard to the particular case I have in my hand, I find that the man succeeded to get redress, because the case was pushed through this agency; and, even in this case, I find that the orders were that they were to take their pensions from the date of the order, as if for all these 10 or 15 years, during which they could not get any proper justice, they should be denied the arrears of their pensions!

So far as regards this particular Resolution, we who come from the South or from the Eastern part of India, from Bengal and elsewhere, are in the position of judges who are not parties, because we ourselves have no axe to grind; we have no disabled soldiers, not because we were unwilling to help the British Government at the time of their distress, but because the Government did not see their way to enlist soldiers from amongst ourselves. So, as impartial judges, we have tried to go through many of these individual cases. I think I might read some of these petitions giving harrowing tales of these poor people,—how they have suffered and how, on the most flimsy grounds, their petitions have been rejected. I shall read an account of the case of one, by name Karim Buksh:

"Service 15 years. Discharged as medically unfit. Cataract. May be further development of eye disease on account of which he was invalided. Pension disallowed, because, in the opinion of the Medical Board, cataract is not attributable to military service."

I have seen his petition. The poor man says that at Aden, due to the effects of the flash of a gun, his eye-sight was seriously affected and he was invalided by the Medical Board. I find that the Captain of the Commanding Depot wrote: "No record available. Claim rejected."

Sir, it is not for sepoys to preserve the records. This man produced oral evidence, which was not accepted, from an Indian officer holding the Viceroy's Commission. He was present, and he says that during the war he was standing somewhere and due to the flash of a gun his eyes were affected at first and subsequently the trouble developed into a cataract. Now, he is totally blind. The first irregularity is, "why cannot he produce all the papers?" Then, the next question is the general ground which weighs so much with these officers, that it is not attributable to war. This poor man can only produce evidence, evidence even from men belonging to the Viceroy's Commission, to show that it happened in that particular way at the time of the war. It is not that he lost his eyes at that very moment. If this is to be constructed in that narrow way, that this man did not lose his eye-sight through a gun shot, but due to the effects of a flash from a gun during the war, and, on that flimsy ground, the whole case for a man who served Government for 15 years has been thrown out, it is very sad and regrettable.

Here is a case of another man. This man's claim at first failed and yet his pension is granted to him from the date of December, 1931, whereas the man was discharged in 1916. He had for all these 15 years to fight his case and all the Officers Commanding—very sympathetic people—and

[Mr. S. C. Mitra.]

even the Controller of Military Pensions—all rejected his claim, but, now, the Government of India, in their kindness, have accepted his claim. But it will have no retrospective effect. I should like to know why this poor man, if he is to be granted any pension, should not get it with retrospective effect,—because, now at any rate, the Government accept the contention that it was due to the war. I shall place all these papers on the table of the House so that the Army Secretary, if he likes, can go through the details and satisfy himself as to how these poor people have suffered. There are any number of cases which I have gone through and I am grateful to that agency that they supplied me with these facts and figures. Sir, I do not come from a martial region, but I was so sorry, when I privately met some of these martial people and they told me that there are any number of grievances of these poor disabled soldiers but that they had not the courage to come before the House and to get some redress from the Government. In this Resolution my Honourable friend merely wants a Committee and he says that the Army Secretary should be the President of that Committee and that is a very humble prayer for the Government to grant so that justice is done to the people who died in the field of war for the sake of their dependents or for the disabled soldiers who fought with their lives for the Government.

My Honourable friend, Mr. Gaya Prasad Singh, alluded that this war might not be the last war, and that it is in the best interest of the British Government themselves to see that these people do not carry away the impression that the British are an ungrateful nation. Let them not say that in the stress of war many high hopes were raised and even Swaraj was proclaimed for India, but that when the risks of war were gone, not only these bigger things affecting the Indian nation are forgotten, but even sheer justice to these poor people, who have ever been staunch in their loyalty, is denied and they lose their poor pittance. The money is to be paid from the British Treasury, but our people here would not have a proper Board through whom these people can approach Government with their prayers supported by papers, if any. On the flimsy ground that they have no papers and that the petition have not been submitted through proper channels, their cases are barred by this regulation or that rule which has been subsequently changed at the instance of this officer or that. Sir, such flimsy considerations should not stand in the way, and we most earnestly hope that the Government will see their way to accept this Resolution. Sir, I support this Resolution wholeheartedly.

**Honorary Captain Rao Bahadur Chaudhri Lal Chand** (Nominated Non-Official): Sir, ever since the inauguration of this Assembly, the Budget of no other Department has been so severely criticized as that of the Army Department from year to year and I am glad at least there is a proposal today which accuses the Army Department of being miserly in the matter of spending. I hope Honourable Members opposite will maintain the same attitude towards the Army Budget when proposals for grants come before them in a few days' time.

**Mr. Gaya Prasad Singh:** Even when there is an extravagant Army Budget!

**Honorary Captain Rao Bahadur Chaudhri Lal Chand:** The Honourable the Army Secretary may also bear this in mind when sending up his

proposals to the Finance Department. Sir, I congratulate the Honourable the Mover and the Honourable Mr. Gaya Prasad Singh on their appreciation of the services that the martial classes of India and the Indian soldiers rendered to the Empire so loyally and faithfully. (Hear, hear.) Sir, my own connection with army recruiting has been very close. Not only during the war days was I occupied with recruiting, but, after the war was over, I was connected with all activities in which the Indian soldiers have been concerned. During the war I was Honorary Assistant Recruiting Officer for the South-East Punjab and the Delhi Province, and from my district alone we sent no less than 24,000 recruits. (Hear, hear.) During the war also, I was a member of the Provincial Recruiting Board and of the All-India Committee. (Hear, hear.) I also attended the War Conference called by His Excellency the Viceroy in 1918 as a member. I have many relations among the discharged soldiers, and so my connection with them has been very intimate.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Have they got full justice?

**Honorary Captain Rao Bahadur Chaudhri Lal Chand:** I will come to that point. Honourable Members will be pleased to learn that at least in this respect, namely, the redress of the grievances of the Indian soldiers, Government have been very prompt and cannot be accused of having been at all slow. I will give you concrete examples. Ever since the war was over, I had been pressing on the Government the concrete cases that came to my notice and I have with me some letters from the Government of India that were addressed to me in those days which will give Honourable Members an idea of the action which the Government of India have taken in this matter. As a result of the complaints that were made to them by many persons, including discharged soldiers and those who were interested in their welfare, the Government of India authorised the civil officers to take up the pension cases. The charges that were made against the military officers were that those, who were directly concerned in the welfare of the soldiers, retired after the war and the newly appointed officers did not care much for them. I will now quote from a circular letter from the Secretary, Indian Soldiers Board, which is addressed to all the Governments from which an idea could be formed as to how the civil officers could help:

"I am directed to inform you that the Board have had under their consideration representations to the effect that considerable hardship is being experienced by Indian ex-soldiers owing to the delay which occurs in placing them in receipt of the military pensions which they have earned. From the information at their disposal, it would appear to the Board that the worst cases of delay are those which relate to the personnel of the many disbanded units of the Indian Army.

With a view to remedying the state of affairs complained of, the Board have decided to request that (with the concurrence of His Excellency the Governor-in-Council) civil district officers may be instructed, where *'bonâ-fide'* cases of hardship come to their notice, to apply *direct* to the Adjutant-General in India for information as to the designation of the unit which has taken over the records of the disbanded unit and also the designation of the Controller of Military Accounts concerned with the pension payment.

On receipt of a reply, the civil officer should represent the case to both the unit commander and to the Controller of Military Accounts indicated by the Adjutant-General, and, in the event of failure to receive a satisfactory explanation in regard to the steps being taken to effect the pension payment, he should report accordingly to the Adjutant-General, who will then take the further action necessary in the matter."

[Honorary Captain Rao Bahadur Chaudhri Lal Chand.]

With your permission, Sir, I will refer to another demi-official letter, dated the 24th April, 1923, written to me by the Honourable Sir Ernest Burdon, the then Army Secretary, which gives an idea of the promptness of the Army Department at the headquarters in taking action in the settlement of these cases. It runs thus :

"With reference to your letter of the 6th April addressed to the Private Secretary to H. E. the Viceroy, on the subject of the grave delay which has occurred in the renewal of the pension of Subadar Mohar Singh, 1/9th Bhopal Infantry, I am desirous to inform you that, as a result of your representation, orders have now been issued to let this particular case rest where it does at present. We shall investigate further the cause of the delay and try to find out who is responsible. I may mention also that for some time past we have been trying to devise means which will prevent the occurrence of such delays, and, in this connection, I send you the enclosed copy of a circular letter, and the Military Accountant-General's memorandum which we recently circulated to all Local Governments. . . I have various other ideas in my head for adding to our points of contact with the distressed pensioner through the medium of District Soldiers Boards and other agencies; and, if anything comes of them, I shall make a point of letting you know. May I add that if you have any new suggestions of your own to make, we shall be only too glad to consider them."

2. I wish, at the same time, to take this opportunity of thanking you for bringing the case to our notice. We entirely share your view that delays, such as have occurred in Subadar Mohar Singh's case, do a very great deal of harm; and we do not propose to let this particular case rest where it does at present. We shall investigate further the cause of the delay and try to find out who is responsible. I may mention also that for some time past we have been trying to devise means which will prevent the occurrence of such delays, and, in this connection, I send you the enclosed copy of a circular letter, and the Military Accountant-General's memorandum which we recently circulated to all Local Governments. . . I have various other ideas in my head for adding to our points of contact with the distressed pensioner through the medium of District Soldiers Boards and other agencies; and, if anything comes of them, I shall make a point of letting you know. May I add that if you have any new suggestions of your own to make, we shall be only too glad to consider them."

Then, I made certain suggestions after consulting some of my pensioned friends and, in reply, the Army Secretary wrote as follows :

"Many thanks for your letter dated the 14th June, 1923, in which you make various suggestions for removing delay in the settlement of pension claims. I am glad to say that, as a result partly of the representations we have received from you, Government are now arranging to set up special machinery to deal with all outstanding cases, and this, it is hoped, will have thoroughly practical and really satisfactory results. I shall probably be able to let you know details of the scheme before very long."

Government were not satisfied with the entrusting to the civil officers of the taking up of pension cases. The machinery that has been referred to in the last letter, that I have just read out, was that special army officers were deputed to those districts where recruiting had been very brisk and where cases were expected to be in much larger numbers than in other important districts. Military officers were deputed especially to inquire into these cases. These military officers sent out their programme beforehand to the district officers and, through the agency of Zaildars, Tahsildars and the Soldiers Boards in the districts, wide publicity was given to their programme and areas were marked at certain places where they should come and lay their cases before them. I remember hundreds of soldiers having gone to these officers and I need hardly say that they noted down most sympathetically all the grievances of these people and went into particular cases individually. They did all that was necessary at that time and all the cases that came to their notice were settled. I may point out that not satisfied with these replies, Indian soldiers, pensioned officers and others have been applying again and again and they have never tired the patience of the military authorities. The military authorities have never given them a reply that their cases have been settled once for all and they could not be re-opened, and the instance

quoted by my Honourable friend, Mr. Gaya Prasad Singh, bears me out in this respect. They never took the protection of section 11 of the Civil Procedure Code and never said that it was a case *res judicata*.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member has got two minutes more.

**Honorary Captain Rao Bahadur Chaudhri Lal Chand:** I must admit that there are hard cases. One of the rules in the Army Department is that a pension could be given after 10 or 12 years,—I am not quite sure,—but after a certain number of years. I know of the case of a Jemadar which came to my notice. In the discharge certificate, it was said that this man had served nine years eleven months and 30 days, that is, only for one day he was discharged without any pension. I represented his case and probably he got his pension as a special case, because he did not come to see me again. There was another hard case, where a Risaldar died in the field leaving a widow, four daughters, the eldest being eight years old, one aged father and one aged mother. The widow got a pension, but, five or six months after that, the widow also died leaving these daughters and the aged parents without anybody to support them. I represented the case to the Punjab Government who supported it, but it transpired that the rules would not allow a pension if the widow did not die within certain months. The case was represented again, and Honourable Members will be pleased to learn that the Army Department made a special case of this and they got very liberal treatment. I think the case took about three or four years to settle, but they got their arrears of about Rs. 8,000, and provision was made for some money to be placed at the disposal of the district authorities to be spent at the time of the marriage of each of the daughters. So that, instead of one or two getting a pension, all the six were given pensions. So we cannot accuse the Army Department of being miserly when cases of real hardship are brought to their notice.

Sir, as my time is up, I wish, with your permission, to point out that the Resolution has my full sympathy, but not my support, because the Army Department are always ready to go into hard cases even now and no useful purpose can be served by setting up another tribunal to go into these things which, I am sure, have been gone into, not once or twice, but several times over. The only difficulty which stands in the way is the stereotyped rules.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member must now conclude.

**Honorary Captain Rao Bahadur Chaudhri Lal Chand:** The only thing that can be done is to have the rules amended, and, for that purpose, if Honourable Members would take the trouble to go into these rules and bring forward concrete suggestions, that would help; but we cannot accuse the Army Department of being slow and inconsiderate in these cases. I would, therefore, request the Honourable the Mover to depend upon the Army Secretary who will see that all hard cases are dealt with properly. No useful purpose will be served by setting up a Committee of this sort.



**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the Honourable the Secretary of the Independent Party said that he was more or less a spectator and an outsider and used the rather interesting expression that he had no axes of his own to grind in this particular matter. I do not know if he will accuse me of having any axes of my own to grind when I say that a large part of my constituency in the Rohilkund and Kumaon Divisions,—Garhwalis specially,—have been serving in the army and have contributed a great deal to the prestige of the Indian army during the great days of the war. Therefore, if not my own interest in this particular matter, I have the interest of my constituency to represent. In that sense I may have some axes of my own constituency to grind.

The Honourable gentleman, who just concluded his speech, referred to his own qualification to speak on this subject, because he was an honorary recruiting officer during the war and that he was also a member of the War Conference. I too attended the War Conference, but not as a member. I had a telegraphic request from one of my friends in the Southern Presidency who was an important member of that Conference to help him with regard to it. Later on, he adorned the Treasury Benches in this House. I was also there in my humble capacity as a journalist elbowing my way through an illustrious crowd everywhere and also as a humble contributor to the local War Journal trying to get a few recruits. But, if I am talking today, it is not because of any past qualifications, but because I want that this matter should be very carefully and sympathetically considered, as my Honourable friend from Lucknow pointed out. I do not believe, Sir, that it is even his ambition, if the Government find it very difficult to accept a Committee of this kind, to insist on the Committee. But certainly it is his ambition and a very legitimate ambition that the grievances and the disabilities mentioned are gone into carefully and sympathetically and carried out expeditiously. We look forward to the Army Secretary, who, I am sure, cannot but sympathise with the soldiers, giving us a very reasonable and a very satisfactory reply. It is not our intention to press this to a division; it is not our intention to censure Government in this matter. On the contrary, it is our intention to strengthen the hands of Government so that he may go into this matter and give satisfaction to those who have legitimate grievances. (Applause.)

**Sardar Sant Singh** (West Punjab: Sikh): Sir, it was in the year 1931 when I saw certain disabled soldiers with limbs cut off standing outside these buildings. They approached me with a request to help them in getting their pensions from the Army Department. At that time I could not comprehend their grievances. I could never believe that those who had gallantly fought in the Great War.—a war which was not India's war, and with nations which were not the enemies of Indian aspirations, but a war fought solely in the interests of England and one in which she was vitally interested,—would be treated so ungratefully by England and her people as to be deprived of their legitimately earned pensions.

In the short time at my disposal I will try to place the case of these poor soldiers before the Honourable Members. According to the Army Regulations, it was bargained with these soldiers that they would be entitled to pensions under the following heads: Firstly, the *family pensions*. These are payable to the families of the soldier in case of death of the

soldier in action or within five years of being wounded in action or from illness which is the result of active operation in the field. The second category of pensions are known as *injury pensions*. These are granted to those who become unfit for further service owing to illness contracted on field or *foreign service*, or solely attributable to such service or incurable disorders brought on by performing duties or service in unhealthy surroundings. The emphasis is on the expression "*foreign service*". The third category of pensions are the *wound pensions*.

Now, the grievance of the soldiers is that those who died actually on the war service have been given pensions, but the claims of those who died within five years of the period on coming back from the active service, have been simply turned down. This is one grievance and a very serious grievance. The pretence on which their claim has been turned down is stated to be that the poor widow could not produce evidence that the death was due to wounds received in active service or from illness which was the result of active operations. As a matter of fact, Sir, the families of those persons who were on active service and who were discharged as invalid during the war and who were, as a matter of fact, sent to hospitals where they were declared unfit for further service, with these facts recorded in their rolls—I do not know the name exactly, soldiers roll or something like it—were not granted pensions when such persons died within five years of discharge. I advocate, Sir, that the dependents of such soldiers were unfairly deprived of their just dues. Similar is the treatment meted out to those who were actually wounded in war service. The principal grievance in this respect is that though the soldier was wounded in action, some sort of application was taken from him stating that he wished to be discharged and that the Government were absolved from the payment of pensions. Such certificates have been innumerable and many of them are with the Army Department.

Now, it is for the Honourable Members to say and to judge for themselves that if a person is wounded and he knows that he has earned a pension, could he or would he release the Government from the claims of his pensions. There are cases of this nature, and, as the time at my disposal is short, I will not go into them, and I will leave it to the sort of enquiry which is being proposed in the Resolution to be appointed to go through these cases.

Secondly, some were told that their wound was below pensionable degree. There is no such provision in the rules. Every wound which led to discharge as unfit for further service was pensionable. According to the Regulation there are three degrees given in The Wound and Injury Pensions and Gratuities Regulations. Paragraph 1058 reads as follows:

"Except in the case of I. O. and the I. S. M. D. the amount of wound and injury pensions depends on the following classification of degrees of injury received, or illness contracted :

*1st degree.*—Loss of two limbs or eyes, or incapacitated from earning a living and requiring the care of another person.

*2nd degree.*—Loss of one limb or eye, or incapacitated from earning a living, but not requiring the care of another person.

*3rd degree.*—Wound or injury equal to the loss of a limb, or preventing the recipient from contributing except partially towards his livelihood."

According to this paragraph, the wounded soldiers are entitled to wound or injury pensions, in case of every wound or injury, but the

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amount of such pension varies with the nature of the wound. It is nowhere said that there will be any grade which is below the pensionable degree. In reply to several questions of mine, if the House will carefully study those questions, the Honourable Members will find the Army Department coming forward with answers that such soldiers did not get pensions, because their wound was below the pensionable degree. I have not yet come across any Regulation which deprives a soldier of his pension, because his wound was below the pensionable degree. There is no such term in the Regulation, so far as I am aware of.

Then comes the injury pension. The excuse for depriving soldiers from the injury pension has been due to certain change in the Army Regulation in 1923. I need hardly stress this point that those soldiers, who joined the Army in the recruitment that followed after the Great War of 1914, are presumed to have contracted with the Government to get pensions under the regulations that were then in force, and those regulations in force were the Regulations of 1915. To strengthen my position, Sir, I quote from the Manual of Military Law, 1911, at page 8 of which it is written :

*"The enrolment paper referred to above contains an official record of the bargain made with the enrolled person on behalf of the State, and the conditions of the bargain cannot be altered except with the person concerned."*

This is the interpretation given in an official publication of the Government of India. In 1922 or 1923, these Regulations were changed and the injuries which were attributable to war service, field service or foreign service were excluded. The result was that many of the persons who had received injury there on the foreign service, though it was not attributable to any active service, were deprived of the pension. While the Regulations of 1915 say that even if these injuries were contracted on or attributable to foreign service, the soldier will be entitled to an injury pension. There are innumerable cases of hardship where misinterpretation of the above regulation or misapplication of the new regulation resulted in depriving soldiers of their pensions. What happened was that Medical Boards declared a particular person as unfit for further service. When the claim was put in to the officer, known as Controller of Pensions, such claim was turned down on the pretence that the certificate of discharge did not show that the particular injury was attributable to or contracted in the field or foreign service. If the Medical Board did not use the language, which was to be found in the Regulations, it was no fault of the soldier. The case should have been referred back to the Medical Board for stating whether or not the particular illness was attributable to or contracted in field or foreign service. Without referring those cases back, the Controller declined to entertain the claim of *ex-service* men. Sir, when the grievance was brought to the notice of the Government of India, or when any contention was raised on behalf of the person who was deprived of the pension, this was met with the plea that the application should come through the proper channel. This term "Proper channel" seems to be a safety valve for all departments of the Government and particularly for the Army Department to escape the payment of just dues. What do they mean by proper channel? Is there any channel prescribed? Why should not a lawyer or a person, who has studied the regulation, help a man in order to obtain his pension? The question was raised just now by my Honourable friend as to the exorbitant fees charged by such

agencies. Let us concede that the agency is bad; but, is that a reason for the Government to deprive a man of his pension, when he had served them at a time of great necessity? It is no concern of the Government to see what agency was employed in order to approach them. The claim is to be considered on its merits: if he is entitled to it, he should be given pension; if he is not entitled to it, there should be no question by what channel his application was received or who was helping the man. Obviously it is not the concern of the Government whether the person wastes the money which he gets in pension or whether he is deprived of that money or throws it away. If any fraud is committed on him, penal laws of the country are there to help him. The only concern of the Government in such matters is to come to a decision on merits. In connection with this, I would like to point out the procedure which was adopted in England in order to meet such claims. I am reading now from the Notes on "War Pensions", Second Issue, published by His Majesty's Stationery Office, London. Here it is said:

"Under Art. 1 R. W., a man discharged as medically unfit for further service, or while suffering impairment, such unfitness or impairment being attributable to or aggravated by service during the Great War, and not being due to serious negligence or misconduct, and, under Art. 9 R. W., a man who, after discharge or demobilisation, shows that he is suffering from such a disability may be granted the pension, gratuity or final weekly allowance appropriate to the degree of his disablement."

—How were these claims considered by the Government in England?—

"Under section 8 of the War Pensions Act, 1919, as amended by section 8 of the War Pensions Act, 1920, Pensions Appeal Tribunals have been established to which an appeal will lie against an adverse decision of the Ministry on entitlement to pension, as shown in para. 41. Each Entitlement Tribunal consists of a barrister or solicitor, a disabled man and a duly qualified medical practitioner."

Here, Mr. Yamin Khan was questioning the agency through which a claim was made. But, in England, a tribunal was appointed to examine the decision of the Ministry of Pensions; and, in that tribunal, there sat a barrister or solicitor, a representative of the disabled pensioners, and a medical practitioner. In contrast to this, in India civil courts are deprived of jurisdiction to entertain such claims. In one case, an aggrieved person actually secured a decree against the department from a civil court and the Army Department has filed a revision in the High Court against the decree on the ground of want of jurisdiction.

**An Honourable Member:** A technical objection!

**Sardar Sant Singh:** Yes, a technical objection! Is it a straightforward and honest and dignified objection? Is it the way in which these *ex-service* men are to be treated? After all, what does the Resolution want? It wants only that their claims should be examined and inquiry made, not that the Army Department should be burdened with unnecessary claims. The House merely wants an inquiry which, I submit, is overdue. The second part of the Resolution is . . . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member has got one minute more.

**Sardar Sant Singh:** The second part of the Resolution is that some *ex-service* men have been deprived of their pensions on account of their activities in the recent political affairs. The old regulations, under which

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these pensions were earned, clearly say that political activity will not bar or lead to the forfeiture of a man's pension. I have no time to read all these regulations, but I am willing to convince any tribunal that these regulations were later on changed on recommendations made by the Local Governments or local authorities. The Resolution calls for an inquiry which should be made and, therefore, I support this Resolution.

**Mr. S. G. Jog** (Berar representative): Sir, I am very much thankful to the Chair for the opportunity given to me. Somehow I could not resist the temptation of saying a few words on this Resolution. At the same time I must say that I have not got a record of any service or duration as a Recruiting Officer of which my friend, Captain Lal Chand, must be proud of. I must also congratulate him on the sympathy if not the support to which he has given expression. I must thank him at least for his sympathy. I must also congratulate my friend, Sardar Sant Singh, for his close study of this question. He has very prominently brought before the House the various aspects of the case.

I have no mind to utilise this occasion for entering into the military policy of the Government of India or any other broad questions of policy. I would like to look at the question from a broad point of view and from the lawyer's point of view, the equitable point of view. The Army Secretary should not for a moment think, as suggested by my friend, the Deputy Leader, Mr. Ranga Iyer, that it is not a case of any loss of confidence in the military policy or the actions of the Army Secretary. I had something to do with this Resolution when it was formulated, and I definitely suggested that the Army Secretary should be a member of this Committee; it was with this definite intention that the Army Secretary would be of great help to this Committee in explaining the army position so far as the army position and the cases of these pensioners are concerned. Therefore, we suggested that there should be a Committee of four elected Members of this House, under the Chairmanship of the Army Secretary, to inquire into these cases. It is no doubt true, as explained by my friend, Captain Lal Chand, that in many cases the Army Secretary has shown promptness and sympathy and whatever it was possible for him to do. But, at the same time, you will see from the number of cases that have been brought to our notice that there is a growing feeling among these ex-soldiers that they have not been treated properly and that their pension grants and other allowances have been withheld on some pretext or other. I have no mind to say as to what is actually in the mind of the Government, whether they want to escape the financial responsibility or liability in the grant of these pensions, but it is no doubt true that there is some growing feeling among these people that justice has not been done to them, and what I strongly feel is that the existence of such a feeling of discontent is a very bad sign. I further submit, that a Committee of this nature, which is a very mild measure, instead of obstructing the Government in any way, will have a great effect in restoring confidence in the Government, if this Committee have an elaborate inquiry into these cases. If, after having inquired into these things, the Committee comes to the conclusion that the army has done everything that was possible to be done and there is no ground for complaint, would it not go a great way in strengthening the position of the army? An inquiry with a non-official element in it and under the Chairmanship of the Army Secretary would certainly go a great way in strengthening the confidence of the people.

There is no reason for this House to suggest that the grievances of these people have not been inquired into. At least from that point of view the Army Secretary should come forward and should face this inquiry instead of opposing this Resolution.

These people, when they joined the army, were recruited under a certain covenant. There was a sort of contract between the Government and the soldiers, and what these disabled soldiers now find is that a wrong interpretation or rather a false interpretation has been put on some of the covenants entered into when they first joined the service. They find, as explained by my friend, Sardar Sant Singh, that they are asked to prove whether their illness was contracted on field or foreign service or their illness was solely attributable to field or foreign service, or whether illness was contracted otherwise than on field or foreign service. In some cases they are asked to prove, even if the illness was contracted on field service, that it was solely attributable to war and field service, and then the burden of proving all that is thrown on the *ex-soldier*. Even taking the medical science as it is, it is really very difficult to prove whether a particular disease is attributable to war conditions. A soldier goes and fights in the field, but, after a time, he is discharged as unfit according to war conditions, and then he is called upon to prove here that his disease was solely attributable to the war. When he contracts a disease on actual field service, it must be presumed that the disease he has contracted is attributable to the conditions that existed when he was on the war field, but these poor disabled soldiers have been called upon to give a strict proof of their disease, and, when cases go before the Medical Board, they generally give such replies that the disease is not such as can be attributable to war services and, therefore, their claims are not properly considered by the Army authorities. In these cases, I think, the real trouble has been caused by a wrong interpretation put on the covenants or contracts. They are connecting one with two, because, to my mind, a man may contract illness by being actually on the war field, and, even in that case, he is entitled to injury pension, and even in cases when soldiers have returned from the war field, after being certified as unfit for service on the field, it must be presumed that they have contracted the illness due to war conditions, but unfortunately all such cases for relief have been rejected by the military authorities on some ground or other. I have got some cases with me from which I see that justice has not been done in many cases. I do not want to utilise the present occasion to enter into the details of those cases, because these cases have been carefully considered by my friend, Mr. Gaya Prasad Singh, and many others. There is not the least doubt that a sort of inquiry, as suggested by the Mover, is absolutely necessary, and I think the Army Secretary will accept this motion. With these words, I support the Resolution.

**Mr. G. R. F. Tottenham** (Army Secretary): May I say, Sir, at once that we on this side of the House entirely agree with all Honourable Members who have taken part in this debate this morning, that the *ex-soldier* and his family form a section of the community which possesses a very special claim on the sympathy and support of the Government. (Applause from the Nationalist Benches.) We, in the Army Department, are least of all likely to forget that fact. On the other hand, as I have said before in this House, there are two sides to every question; and we have a clear duty to the tax-payer to see that the very large sums of

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money which are devoted annually to the payment of pensions are properly spent and not unnecessarily increased. If it were a fact, Sir, that large numbers of disabled soldiers or the dependents of those who gave their lives in battle were destitute and receiving no support from Government, we should regard that as a very serious matter indeed; but although Honourable Members have spoken as if there were hundreds and thousands of such people wandering about India, and although the Honourable the Mover gave us some mathematical calculations to show that there ought to be a large number of such people wandering about India, no Honourable Member has given any first hand evidence that there is any large number of such people. On the other hand, my friend, Captain Lal Chand, who may be expected to know the conditions in his district, which contributes a very large number of soldiers to the Army, has not suggested that there is a large number of people who are disabled and who are without support from the Government . . . . .

**Mr. Gaya Prasad Singh:** May I interrupt the Honourable Member for a moment, Sir? If individual cases are brought to his notice, will he be prepared to go into them?

**Mr. G. R. F. Tottenham:** Sir, I am quite prepared to admit that there are individual cases, but the point I was trying to make was that there were not hundreds and thousands of disabled soldiers who were receiving no support from Government. I should like to give a few figures in support of that general proposition. Actually the official figures of Indian casualties during the war amounted to some 120,000. Of those, more than half were wounded, and of course it does not necessarily follow that every wounded soldier was disabled. However, we may take the figures roughly at about 120,000. Now, Sir, the facts are that in the years, which covered the war period, that is to say, up to 1922, the number of pensions granted to Indian officers and other ranks amounted to 170,000 or thereabouts, and the total value of these pensions amounted to about 1½ crores of rupees a year. These figures do not leave very much room for a large number of disabled soldiers who have received no support from the Government. On the other hand, when the figures are as large as that, it is not reasonable to expect that we should never have made a mistake of any kind. We admit perfectly frankly that there have been mistakes in the past, and there may be mistakes again in the future. What we do say is, firstly, that when those mistakes come to light, we do our best to remedy them, and secondly,—and this is a point I should like to emphasise to the House,—that of these mistakes, which have come to our notice, a very large proportion are in the direction of over-payment rather than of under-payment. Perhaps the Honourable Members of this House who were Members of the Military Accounts Committee, including my friend, Mr. S. C. Mitra, who spoke this morning in support of this Resolution, will remember that this question came up in the Military Accounts Committee last year, and it was suggested that there might be grounds for conducting a regular inquiry with the object of revising our pension payments in order to prevent these over-payments,—not in order to see that the soldiers should get more than they get at present, but on the ground that the examination of the audit authorities showed that more money was being paid in pensions than

was really justifiable. It was explained to the Committee that to carry out a revision of that kind would cost a very large amount of money in establishments alone and would take a considerable time, that in any case the number of over-payments, and the number of under-payments also, represented a very small proportion of the total payments of pensions, and that, therefore, it would be better to carry on as at present and leave Government to put these mistakes right when they came to notice. That opinion was eventually accepted by the Military Accounts Committee, and was also endorsed by the Public Accounts Committee which accepted the Report of the Military Accounts Committee. In any case, I cannot admit for one moment that there is anything so radically wrong in our system of pension administration as to call for a regular Committee of Inquiry of this kind. On the other hand, it is a matter for some surprise that a Resolution in these terms should come before this Honourable House in the year of grace 1933 in respect of a period so long ago as the Great War. Surely, if there had been anything, radically wrong, the matter would have been ventilated in this House many years ago.

**Sardar Sant Singh:** Does it not show the patience of the Indian to put up with his grievances?

**Mr. G. R. F. Tottenham:** I think that the explanation is to be found possibly partly in the present financial depression, but also largely in the activities of these so-called Claims Agencies which have recently come into existence in various parts of the country.

**Mr. Gaya Prasad Singh:** The soldiers are thankful to them.

**Mr. G. R. F. Tottenham:** So far as I have been able to gather, these Claims Agencies hold out altogether optimistic, not to say extravagant, promises of their ability to secure for the soldier, on payment of commission of course, what they are pleased to call his just dues. I have seen some of the circulars which are issued by these Agencies, and which are sent broadcast into the villages. One particular circular that I have seen was headed in large letters, "Undreamt Wealth". The sepoy and his family are a simple-minded and credulous folk, and when a class of person of that kind is invited to put in claims, it is only natural that the number of claims should be large. That, Sir, however, does not prove that the claims are well founded, or that there is necessarily ground for setting up a regular Committee or a special enquiry of any kind. In fact, the first point that I wish to make is that we, that is to say, the Government and also this House, have at our disposal a ready made machinery which has been specially designed to promote the welfare of the *ex*-soldier and his family and to look after their interests in every possible way. I am referring to the Indian Soldiers' Board and its branches, the Provincial Soldiers' Boards and the District Soldiers' Boards. These Boards will always be prepared to investigate claims on behalf of soldiers without any payment whatever. In fact, last year in the Punjab, the Punjab District Boards did investigate over 2,000 pension claims; and I personally would advise all *ex*-soldiers and their families, or Honourable Members of this House or the public who are interested in their behalf, to make the fullest use of our organisation, that is to say, the Provincial and District Soldiers' Boards, rather than of these so-called Claims Agencies, which are, after all, neither



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philanthropic nor charitable institutions. One ounce of fact is worth a ton of argument, and I shall only give one case that came to my notice recently. A certain Indian soldier was recently given pension with arrears which amounted altogether to about Rs. 1,300 as a lump sum payment. We have been told that the Claims Agency is now claiming from this soldier not less than Rs. 650, that is to say, half the total amount he succeeded in getting. I will leave it to the House to judge whether the Government are, or are not, fully justified in doing their best to discourage that kind of thing when we have a perfectly good organisation of our own which would have done equally well for the soldier if the case had been put before it, and without any cost to the soldier himself.

Apart from this organisation of Soldiers' Board, we have a continuous organisation in the army itself, under which regimental officers visit the various recruiting areas and actually investigate many of the grievances of the soldiers and their families. Moreover, as Captain Lal Chand has already stated, we have had special enquiries, more than once since the War. In 1922, our pensions regulations were revised and liberalised, and a great many of the existing pensions were reassessed. That work was done quickly and urgently. A certain number of mistakes were made, and, therefore, in the following year 1923 we appointed a special Committee of six or seven regimental officers and a couple of officers of the Military Accounts Department who went round the various areas, as my Honourable friend explained, and succeeded in putting an end to many anomalies that came to notice. After that, for several years we had no serious complaints from the districts, but I think it was in 1929, it was suggested that there might be a number of hard cases, especially in the Punjab—particularly hard cases which did not come under the letter of the law and, therefore, were not perhaps receiving the attention that they deserved. We, therefore, instituted a special enquiry in consultation with the district officers in the Punjab. The result was that a large number of claims were put forward; these were sifted; and eventually, I think I am right in saying, not more than 40 or 50 really hard cases came up to headquarters to be dealt with, and they were dealt with sympathetically.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): May I know when that was?

**Mr. G. R. F. Tottenham:** In 1929.

Of course, the pensions that Government give must be based on the requirements of the average individual. You cannot expect our pensions to take into account special circumstances, such as the size of a man's family or things of that kind. But I should like to bring to notice that the Indian Soldiers' Board has at its disposal certain funds from which it is able to supplement pensions or possibly to give some relief in cases where pensions are not admissible. In this way the Indian Soldiers' Board distributes about a lakh of rupees a year. I have often wished that their funds were larger and that they could do more in this way. The Indian Soldiers' Board has frequently appealed to the public for contributions and subscriptions, but I am afraid without very great success. Now, however, that so many Honourable Members of this House appear to be interested in this matter, I hope it is not too much to expect that they will show their sympathy in the most practical form by coming forward and

giving large and handsome donations to the funds of the Indian Soldiers' Board. If any Honourable Member requires any further information on this subject, I should be very glad to supply it to him.

**Sardar Sant Singh:** May I ask the Honourable gentleman one question? What about the different interpretations that have been put upon the regulations?

**Mr. G. R. F. Tottenham:** I am coming to that. The Honourable the Mover and Honourable Members who have spoken have referred to certain matters of principle in which they consider that we have been administering our pension regulations unfairly, or have been giving wrong interpretations to those regulations. I can say, speaking generally, that our consciences in this matter are perfectly clear, and any changes that we have made in our regulations have been made for very good reasons indeed. Generally speaking, the changes have been intended to liberalise the regulations and to make them more favourable to the Indian soldier; and, if Honourable Members would like to have further information on this subject, I would refer them to the brief resumé, which is given at the end of this book, "India's Contribution to the Great War", of what has been done in this respect. Under the heading of "Pensions", at page 238, it will be found that:

"The ordinary retiring and special pensions admissible to Indian Officers and men have been increased by amounts varying from 40 to 100 per cent., and the minimum qualifying service has been reduced from 18 to 15 years. Similar increases have been made in connection with the rates of family pensions, up to a maximum of 135 per cent."

and so on.

**Sardar Sant Singh:** May I ask one question? We admit that the amount of pension was raised in 1922 so far as the question of rupees is concerned. But different interpretations have been put on the regulations, with the result that those who are entitled to pension under the regulation of 1915 have been deprived of their pensions under the regulation of 1922 or 1923. That is the chief point.

**Mr. G. R. F. Tottenham:** On that point it is perfectly true that in addition to amending our regulations in favour of the soldier, we have also occasionally noticed anomalies or what we considered to be anomalies, in our regulations, owing to their faulty wording, and we have not hesitated to correct those anomalies where they have come to light. But, Sir, we have always been careful to allow personnel whose claims arose under a particular set of regulations to receive the advantage of them as they stood before they were amended. In any case, as a result of a spate of questions that have been asked in this House, we have personally examined a very large number of cases and in no instance has it been definitely proved that we have failed to do that.

I think, Sir, it would take much too long to go into all the details about the regulations at this stage. In fact, I agree with the wording of the Resolution that these are matters which might more conveniently be discussed in a Committee across a table rather than on the floor of this House. I should, however, like to deal with the question of attributability which has been the cause of a good deal of the trouble. As the regulations stood at the beginning of the war, it was a fact that a disability or

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invalid pension could be given in respect of a disease "contracted on field or foreign service". Now one may take an imaginary case to show how that regulation would work. Suppose an Indian sepoy goes to France and is stationed at some large base camp. While he is there, he is so unfortunate as to contract some disease which has nothing whatever to do with military service. It may be venereal disease or anything of that kind. As a result of this, he is discharged from the army. Under the regulations, as they stood, he was eligible for a pension. Is it correct, is it right that the tax-payer of this country should have to pay a pension for a disability of that kind? We thought not, and we, therefore, amended the regulations so that a pension should only be given for a disability "attributable to military service".

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): Does the British Exchequer contribute anything towards these pensions?

**Mr. G. R. F. Tottenham:** Ultimately it may be said that nearly all the war pensions are paid by the British Exchequer. Actually the details of the arrangements in that respect are somewhat complicated. In practice we pay the pensions up to a certain date and the Home authorities pay after that.

**Sir Cowasji Jehangir:** Then, why does the Honourable Member say "the tax-payer of India"?

**Mr. G. R. F. Tottenham:** Tax-payers in general. As I say, we altered this particular regulation so as to read that the disability must be "attributable to military service"; and I think that is a perfectly reasonable alteration, even though it may exclude from the grant of a pension a few people who really never deserved to get one at all. In other cases there are other explanations of our alterations of regulations or of our interpretation of them. All of them, have got a perfectly logical and good reason behind them, but I think it would take too long to go into further detail at the present moment.

I should, however, just like to mention the particular case of forfeiture of pensions, although it has only been touched upon very shortly by my Honourable friend, Sardar Sant Singh. He stated that the regulations expressly forbade the forfeiture of pensions for political reasons, but he was unable to quote the particular paragraph of the regulations under which that prohibition came. I can assure him and the House that I have searched the regulations thoroughly and I have never been able to find any authority for that statement—that the regulations had at any time forbidden the forfeiture of pensions for political reasons. In fact, it has always been an express or implied condition of all pensions that they are dependent on future good conduct; and whether participation in subversive political activities has at one time or another been included in the list of things which are recognised as the reverse of good conduct, it does not make any difference to the real point. The chief point which I wish to make is that actually since the war the total number of pensions that have been forfeited in the army amount to some 60 altogether. That, Sir, is an absolutely infinitesimal proportion of the total number that have been granted; and moreover all these 60 were not forfeited for political

reasons. Many of them may have been forfeited for other reasons, such as conviction of a serious criminal offence or something of that kind. Further there is a definite procedure under which the army authorities are not allowed to forfeit a pension for political reasons except on the recommendation of the local civil authorities; and there is a further procedure under which these pensions can be restored on the giving of a suitable undertaking. I do not think, therefore, that this particular point furnishes grounds for a special inquiry.

Dealing with the Resolution as a whole, I am afraid I am unable to accept it as it stands. I think the formation of a regular Committee of Inquiry into this matter would give an altogether wrong impression. It might give the impression that there was something seriously wrong with our pension administration. It might raise entirely false hopes that pensions were going to be revised; and also it would cost a certain amount of money, which is an important consideration at the present moment. On the other hand, I am always perfectly ready, and so are the officers of the Army Headquarters, to meet any Honourable Members who may be interested in this matter and to discuss it across a table. In that way I think that details and small points which can hardly be discussed suitably on the floor of the House might be explained; and I hope we should be able to satisfy Honourable Members that there was nothing seriously wrong. I would like to hear from the Honourable the Mover how my suggestion appeals to him.

**Sir Cowasji Jehangir:** May I ask the Honourable Member one question? Is there no direct control or supervision of their policy from England, seeing that the British Exchequer pays the cost?

**Mr. G. R. F. Tottenham:** No, Sir. I do not think there is any direct control. Our regulations may have to be approved by the Secretary of State and we may send them Home for that purpose. But, I do not think,—I cannot say for certain off hand—that we have ever had any express directions from Home as to how our regulations should be framed. The initiative always comes from us.

**Sir Cowasji Jehangir:** I do not mean the India Office. I mean the War Office.

**Mr. G. R. F. Tottenham:** Neither from the War Office nor the India Office. If we are going to amend our regulations, we do so; and we may have to send them Home for approval. I cannot remember any case in which we have been asked to amend our regulations in any particular way.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City: Non-Muhammadan Urban): I intervene in this debate with thankfulness to the Mover of the Resolution. We have been accustomed, as my friend on the other side said, to criticism of the army and the Army Department and it has been represented outside that the Legislative Assembly is very unsympathetic towards the army as a whole. This is an instance where the tables are reversed.

We on this side of the House have shown some anxiety to do what is fair and just to the army, to deceased and disabled soldiers of the army and expect that those who have time after time stood on the floor of the House and defended the army and stood for its policy of finance

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and expenditure would be with us on this occasion at least. I do not think the scope of this Resolution has been entirely appreciated. I do not think that the Mover of the Resolution means that the Committee that he proposes should go into individual cases of grievances, should sit as a court of appeal on those cases and should decide on the merits of the cases. Various allegations have been made about the harshness of the regulations that have been promulgated from time to time, with reference to the procedure to be adopted and the matters to be considered in adjudicating upon claims for pensions. It has been suggested that the procedure is elaborate, that it does not take sufficient notice of the ignorance, the illiteracy and often the conditions under which these disabled soldiers live in villages far off from all contact with educated opinion and that, therefore, to that extent the rules carry their own condemnation.

Secondly, a series of allegations have been made, that promises  
1 P.M. held out from time to time have been violated, and that rules have been modified without any reference to those original promises or undertakings and that to that extent also the claims of the pensioners have been abrogated. These are the two sets of suggestions that have been specifically put forward by this side of the House and I have not heard anything in what the Army Secretary has said in reply which furnishes any satisfactory reply to the allegations that have been made. In fact the one non-official supporter of the Government, who has so far spoken, my Honourable friend, Captain Lal Chand, in his last concluding words amply furnished the justification for the charges that have been made from this side of the House. He said, after all that he could say in support of the Army Department and in support of the Government, that undoubtedly the regulations did cause hardship and that an inquiry into the conditions was absolutely necessary. Now, by this Resolution we ask no more than what the Army Secretary himself has been pleased to suggest in his concluding remarks that a Committee should consider these regulations,—not cases of individual hardship. We cannot possibly sit as a tribunal with reference to those cases; it would be invidious for any elected or nominated Member to sit as a sort of tribunal with reference to these cases. For instance, if I were so asked, my life would become a misery and I would not accept that position and I am perfectly certain that no elected Member of this House would care to be on a tribunal which would go into the merits of the individual cases: and if these applicants come to us day after day and tell us their tales of woes, we simply want to satisfy ourselves that your regulations, modified from time to time, inspired by yourselves, perhaps inspired occasionally, may I say, from the War Office at the other end also, do not cause any particular hardship to these pensioners and that they can be so worked as to be able to satisfy the legitimate claims of these people. Now, Sir, as to that we have not so far had any reply. May I also say this that I have consulted my Honourable friend, the Mover of the Resolution and other friends and they are not particularly wedded to the suggestion of four elected Members; we are not even wedded to the policy that they must be all elected Members; there can be some other Members also as my friend, Captain Lal Chand, who can speak for you on the Committee. We have no objection to that, we are putting forward simply this perfectly plain proposition, that we do want, in the face of the criticism and agitation that this subject has aroused, that the Army Department and the Government should justify itself

by placing all these papers before a Committee like that asked for. It will consider these regulations, and make suggestions, it may be, for the modification of some regulation that works harshly so far as these applicants are concerned. These are the circumstances under which this Resolution has been moved.

My Honourable friend, the Army Secretary, referred to the splendid work of the Soldiers' Board. I know something of the work of various district and provincial Soldiers' Boards, and it is not my purpose to cavil at their work or to cast any reflections on their conduct of business. My Honourable friend deprecated the agencies that have come into existence. Now, these agencies or similar agencies always present two aspects. In some cases they are undoubtedly useful; in some cases they work hardship and do some amount of mischief, but it would be as unfair to condemn the usefulness of a body like the Soldiers' Board as doing no distinct good to the soldiers, as it would be to condemn these non-official agencies. The truth really lies somewhere between the two sets of criticism. I might ask you, what steps have the district Boards taken to see that all those who have claims to pension have come forward and put in their claims? He referred to various circulars issued by these agencies. Have the Soldiers' Board issued any circular to the same effect? Have they broadcast the manner in which pensions could be applied for by persons living in far-off villages?

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official): The *Fauji Akhbar* does publish these things and is circulated to soldiers every week.

**Diwan Bahadur A. Ramaswami Mudaliar**: That evidently is a newspaper conducted purely by the Soldiers' Board.

**An Honourable Member**: Is it a thing that is circulated gratis? Does it go to those in villages?

**Captain Sher Muhammad Khan Gakhar**: Most of the Soldiers' Boards and most of the soldiers get it free.

**Mr. S. C. Mitra**: How many copies are printed?

**Captain Sher Muhammad Khan Gakhar**: I do not know the exact number.

**Diwan Bahadur A. Ramaswami Mudaliar**: It is obvious that they cannot reach the villager who has retired.

**Mr. Arthur Moore** (Bengal: European): It does.

**Captain Sher Muhammad Khan Gakhar**: It does.

**Diwan Bahadur A. Ramaswami Mudaliar**: Sir, the joint testimony of my Honourable friends, Mr. Arthur Moore and Captain Sher Muhammad Khan Gakhar, has annihilated me altogether, but the sense of the House is against that testimony. We doubt whether the retired men in the village manage to have access to this paper; if they do, I ask, why on earth do they come to these agencies? It is admitted that these agencies have dealt with some few and just and good cases that were not discovered by you district Soldiers' Boards.

**Sardar Sant Singh:** May I inform the Honourable Member that copies of the *Fauji Akhbar* are of course sent to the Tehsildar, but they probably rot in his tehsil.

**Diwan Bahadur A. Ramaswami Mudaliar:** In any case, there exists the fact that these agencies have been able to discover some cases which are fully justified and which show that there is a lacuna which the district Soldiers' Boards have not been able to fill. It was said that the rates of these pensions have been revised. Of course they have been revised in 1922 when you revised the scale of salaries also and, when in England, the army scales of pay were revised on the basis of the index of prices. When salaries were revised, the pensions had naturally to be revised. I do not see in that any extraordinary piece of evidence of the anxiety of the Government to satisfy these pensioners. (Laughter.)

**Mr. G. R. F. Tottenham:** The revised pensions were granted with retrospective effect from the beginning of the war. The revised pay was not.

**Diwan Bahadur A. Ramaswami Mudaliar:** I am very glad that retrospective effect was granted from the beginning of the war. It is obvious, however, that if the pensions had to be revised at all, they could only be revised with retrospective effect from the beginning of the war. There would have been no meaning in revising pensions from 1922 when hundreds of thousands of people had retired on pensions already. The logic of revising the salaries was to carry back the revision of the pensions to the beginning of the war. I am only pointing out that this is not an exceptional thing done only from the point of view of the pensioners, but that when salaries were revised, they had necessarily to take up the question of pensions also. My Honourable friend, the Mover, has spoken with feeling with reference to this matter. Sir, I must say that as I listened to my friend, Mr. Azhar Ali, and heard him speak of agreements being broken and contracts being flouted, I was reminded of similar epithets being used by many a discharged soldier at Hyde Park meetings with reference to the conditions in England and with reference to the treatment meted out by His Majesty's Government to their own discharged soldiers. Sir, whether that is a fact or not, it does remain a fact that in this country these grievances have been ventilated by many people. There is one consideration which I would respectfully urge upon the Army Secretary. He has said that these pensions are paid by the English Exchequer. I ask him whether that is not a further reason why he should allow public opinion to satisfy itself that the regulations made with reference to these claims is not due to any pressure brought to bear to save the English Exchequer and the English taxpayer. If it were the Indian tax-payer, then the case would be entirely different. There would be at least no room for one aspect of the suspicion that is generated in the minds of the public that the move is really to save somebody else who need not pay for these things. Let me explain it for the benefit of my Honourable friend a little more lucidly. I had thought that it was not necessary. I do not for a moment suggest that you can be extravagant at the expense of the English tax-payer. But the suspicion, constituted as you are, constituted as the army is, constituted as the whole department of military pensions is, from the Controller of Pensions and the Army Accountant General downwards, is that regulations are tightened up and that modifications are made from time to time, so that its elastic

provisions disappear in the interests of the British treasury. It may be an unnatural and an unreasonable suspicion, but it is a suspicion nevertheless which has to be met. Now, what anybody in your position should do, therefore, is to remove that suspicion by proving to the satisfaction of public opinion that your regulations have been designed and promulgated purely from the point of view of good administration and not from the point of view of saving money to the English tax-payer. I, therefore, say that that is an additional reason why the Army Secretary should jump at accepting this Resolution and associate with himself in the capacity of a Chairman, a body of people who would go through these regulations and not through the individual cases, if I might once more touch that aspect of the question, and satisfy themselves and the public that things are being done in the interests of the discharged soldier and not in the interests of the English tax-payer. I do not think I have anything further to say. Various suggestions have been made about withdrawing the Resolution, but I think in the light of the speech of the Honourable the Army Secretary who has rejected this position so far summarily and in lieu of his accepting the sort of Committee that I have suggested, I should advise my Honourable friend to press this Resolution. Let it be known to the discharged soldiers as to who are really sympathising with them and who are not in sympathy with them, and I trust that Captain Sher Muhammad Khan Gakhar and Captain Lal Chand will make their position clear if not in the House at least in the lobbies.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

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**Sir Cowasji Jehangir:** Sir, the Secretary in charge of the Department has made after all a very useful speech. He has put his point of view before the House and, as my Honourable friend on my right has stated, there are many other points that require discussion and consideration which it is not possible to do in the Assembly itself; besides, the Army Secretary unfortunately under the rules has not got another chance to speak. Usually an Honourable Member of Government replies to the debate. I understand that in this case it is not possible for the Army Secretary to speak again and reply to any other point that may be made in the debate today.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): From the trend of the discussion, if it becomes necessary, the Chair will allow the Army Secretary to reply.

**Sir Cowasji Jehangir:** Sir, it is quite evident that there is no desire on the part of the non-official Benches to go into the merits of any particular case. All that this side of the House desires to be satisfied about is that the rules and regulations for war pensions have not been changed to the detriment of the parties concerned. The Army Secretary threw out a suggestion that he would be willing to discuss this matter privately with certain Members of this House. I would make a further suggestion and



[Sir Cowasji Jehangir.]

that would be that the two parties who sit on this side should appoint a certain number amongst themselves and the Army Secretary might select one or two more, and they should meet the Army Secretary and discuss the whole question and be given whatever information they may require. That will enable them to decide whether a formal Committee is necessary. Perhaps this discussion, which, after all, is to be informal, would help to solve all our difficulties; and if, after that discussion, Honourable Members who will meet the Army Secretary and, even if the Army Secretary himself comes to the conclusion that a formal Committee is still necessary, perhaps he will himself take the initiative and appoint such committee without any further Resolution from this House. And, therefore, with that object in view I would make this suggestion,—as a matter of fact the suggestion came from the Army Secretary himself, but I will repeat it,—with the additional conditions I have made that the composition of this formal Committee would be left to this side and both parties should appoint their own members.

**Mr. Muhammad Yamin Khan:** Why two parties only?

**Sir Cowasji Jehangir:** I am concerned with my own party and I am also concerned with my nationalist friends who have spoken to me about this question. The Army Secretary is at liberty to invite anybody else he chooses. All I say is that he shall not dictate as to which of our Members should go into consultation with him. It is for the Army Secretary to decide and you can approach him and decide for yourself.

**Mr. Muhammad Yamin Khan:** There is no question of approaching him for a favour. We will stand on our rights and see that all parties are represented.

**Sir Cowasji Jehangir:** The point is that it is an informal Committee and it has not the sanction of either this House or the Army Department. And, if I choose with one or two of my friends to go and talk to the Army Secretary, I do not think any other Honourable Member can insist on his right to be present.

**Mr. Muhammad Yamin Khan:** If my Honourable friend had said that all the different parties should choose their own men, it would be a different thing. But when he said that only two parties should send men, that was open to objection.

**Sir Cowasji Jehangir:** Personally I would not have the slightest objection to anybody else joining the discussion. It is open to the Army Secretary to decide that question and we leave it entirely to him. The Army Secretary can invite anybody he chooses. This is the only solution of a discussion which might take a long time and might not really yield any results, while this will perhaps end the discussion and yield some useful results. If the Army Secretary will accept this suggestion, I think we shall be satisfied and the debate might end.

**Mr. Muhammad Yamin Khan:** Sir, I do not want to be a hindrance on the suggestion which has been made by my Honourable friend, Sir Cowasji Jehangir, but before the proposal can be accepted or rejected

by the Army Secretary, I must place before the House my views on the Resolution itself. I have fought for the Indian soldiers since 1922 in this House and I was the first man to introduce a Resolution for the Indianisation of the Indian Army, in the first Assembly. My advocacy of the Indian soldiers and my interest in the Indian soldiers, many of whom I have the good fortune to represent from my constituency, has never abated and I am second to none in this House in my regard for the welfare of the *ex*-soldiers or the present soldiers. I have great regard for the *ex*-soldiers, because I was one of the chief working men during the war in my district, and, through the exertion of the District War League there, of which I had the honour at that time to be the Honorary Secretary, we won the United Provinces Shield in Recruiting—as the Meerut District supplied the greatest number of recruits throughout the United Provinces, and the Shield was placed by me in the Town Hall of Meerut, and it was I who was responsible for getting so many recruits to join the Army. Therefore, Sir, it is but natural that I must feel for those people who went out of the country and gave their lives or got wounded and consequently I have the greatest regard for their welfare, even if they had come back from the war. Had this Resolution been moved, Sir, on the instigation of even one wounded soldier, I would have been the first man to get up and support the Resolution. I challenge any Honourable Member to prove whether this Resolution was moved through the instigation of any single wounded soldier himself. This Resolution was balloted on the last occasion in the name of our Honourable friend, Mr. Misra, and today I find it balloted in the names of two Honourable gentlemen, having the same identical wording and meaning. From the conversation I had with certain gentlemen who visited me at my house I came to know of the motive for the moving of this Resolution, and I know, Sir, that this Resolution is not moved in the interest and for the welfare of disabled and wounded soldiers.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member cannot impute wrong motives to his colleagues. Whoever might have instigated an Honourable Member to move a Resolution, the House ought to presume that the Honourable Member's intention is what he intends it to be, and the Chair will not allow any Honourable Member to impute motives to another Member.

**Mr. Muhammad Yamin Khan:** Thank you, Sir, I will not impute motives to Honourable Members. Sir, whom this Resolution is going to benefit? It is not the Indian soldier, it is not the disabled soldier, but, if this Resolution is passed, it will help an agency of people who are going to make money out of the disabled soldiers and who are going to deprive them of their real and legitimate pension which they were to get. One example has already been quoted by my Honourable friend, the Army Secretary, that a disabled soldier was granted a pension of Rs. 1,300, and this agency was trying to get Rs. 650 out of him. Well, Sir, that is the thing which is going on behind the screens. If a soldier is to get Rs. 1,300 after paying Rs. 650 out of his pocket, and this Resolution goes to help this agency of people who want to get Rs. 650 out of him, I shall certainly discourage the Resolution.

**Mr. C. S. Ranga Iyer:** I put it to the Honourable gentleman to say whether he does or does not object to the amended arrangement which emerges from the Resolution.

**Mr. Muhammad Yamin Khan:** I made it quite clear at the very beginning of my speech that I shall be speaking on the main Resolution. But I have no objection to the arrangement. The main Resolution is the only thing which I object to, because from the visit of a medical practitioner I gathered the impression that he was canvassing for this Resolution, because he was charging rupees ten from every soldier for giving certificate of disability—a medical practitioner in Delhi, Sir—and he is working with this agency. From this it will be seen that there is some organisation behind this, and if this Resolution is passed, the organisation will advertise to the villagers who will rush to the organisation in thousands who will first take some ten thousand rupees or so from the villagers themselves before they actually do anything for them, and this will be directly injuring the poor man who cannot afford to pay. That is why I object to this Resolution. I certainly deprecate the suggestion which was made by my Honourable friend, Mr. Mudaliar, but of course I have got no objection to the suggestion which has been made by my friend, Sir Cowasji Jehangir.

**Diwan Bahadur A. Ramaswami Mudaliar:** Does my friend seriously suggest that he understood my suggestion?

**Mr. Muhammad Yamin Khan:** I thoroughly understood the suggestion of my friend, Diwan Bahadur Mudaliar, perhaps much better than he understands. My Honourable friend professes that he is a better advocate in the cause of wounded soldiers than my friends, Captain Sher Muhammad Khan and Chaudhri Lal Chand. From this it is apparent that he wanted to make a propaganda for himself and for some other people and tried to ridicule those other Honourable Members which I least expected.

**Mr. B. V. Jadhav:** My friend is again casting aspersions on my friend, Mr. Mudaliar.

**Mr. Muhammad Yamin Khan:** The Chair can guard the rights of the Honourable Members even without the intervention of my Honourable friend. This is the motive which I do not like. My Honourable friend must rest satisfied that by this he will never be able to create a feeling in the country against these stalwarts who come from the martial races or who belong to them. By this, I say, he will not be able to throw "dust over the Sun".

**Mr. C. S. Ranga Iyer:** On a point of order, Sir, may I suggest—and I have in my mind a ruling given by Sir Frederick Whyte—that when an important suggestion is made on the floor of the House, then the Members of the House, having had a discussion on the Resolution, are generally invited, if the President so wishes, to address themselves to the situation arising from that Resolution? Therefore, Sir, may I request you to rule that we should address ourselves to the new situation?

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** That is not a point of order.

**Mr. Muhammad Yamin Khan:** I am sorry. I quite agree that if the suggestion had come from my Honourable friend only to this extent before the Lunch, I would have had nothing to say and that I would have kept quiet in my seat and not tried even to speak, as I never

intended until I heard Mr. Mudaliar making the last portion of his speech. That made me get up and defend my friends about whom he tried to create a misunderstanding in the country. Now that the suggestion has been thrown by my Honourable friend, Sir Cowasji Jehangir, I have got no contention excepting one, when he suggested that the two parties should send in their representatives to meet the Army Secretary—he ought to have said that all the parties that are here must send their representatives, and they may sit and they may choose without leaving the choice to the Army Secretary: each party must choose their own men who may sit and get themselves satisfied by a talk with the Army Secretary—I had no other contention with him excepting on this score; otherwise I fully agree and I would be the first person to support any disabled soldier who has got any case or, if he comes and even satisfies me, I will give him every help without charging him anything.

**Mr. Gaya Prasad Singh:** But your Party is represented in the Army Secretary!

[At this stage Dr. Ziauddin Ahmad and some other Members rose to speak.]

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I should remind Honourable Members who are just getting up that the Deputy Leader of the Independent Party has made a definite suggestion and I had to call Mr. Yamin Khan, because he represented a different Party: I take it that when the Honourable Member, Sir Cowasji Jehangir, made the suggestion, he had the support of Members of his own Party and as well as of the Nationalist Party. Unless the Honourable Member, Dr. Ziauddin Ahmad, wants to say something more in addition to what Sir Cowasji Jehangir said on that point, I do not see why he should get up to speak just now.

**Dr. Ziauddin Ahmad** (United Provinces Southern Division: Muhammadan Rural): Sir, I wanted to support Sir Cowasji Jehangir with two words only: some time ago, the public school at Tynbridge sent a challenge of a cricket match to Harrow, and the Harrow people replied: "We know Eton and we have heard of Rugby and Malborough, but we do not know who you are." I suppose my friend, the Deputy Leader of my Party, probably thought that he was also the cricket captain in Harrow and spoke in the same tone. (Laughter.) As for the second point, we know that we are not all-knowing people; we are not supposed to know everything of what is going on in India, and we are very often approached by interested persons. Take the case of the Medical Council Bill: I do not know how many deputations we have received. No doubt there are persons who are really affected and who approach Members of the Assembly; but the motion that was brought forward by one of my gallant friends of my Party was moved in perfectly good faith and I hope that Members will consider what he has said and not consider the sources from which he got his information. With these words, I support the remarks made by Sir Cowasji Jehangir.

**Mr. G. R. F. Tottenham:** Sir, I must first of all thank Dr. Ziauddin, as an old Harrovian myself, for his story. It seems to me that the whole complexion of the debate on this Resolution has altered since Mr. Mudaliar spoke before Lunch and Sir Cowasji Jehangir made his suggestion after

[Mr. G. R. F. Tottenham.]

Lunch. Until that time, it appeared to me that the speeches made by Honourable Members and the wording of the Resolution itself all tended to put pressure on Government to hold a Committee of Inquiry into the grievances of individuals in the matter of pensions; and it seemed to me that the Resolution was intended rather as a motion of censure against the Army Department's administration of pensions and that, therefore, we should be unable to accept it. I may say at once—I thought I had made it clear before—that I am perfectly prepared to accept the alternative suggestion made by Sir Cowasji Jehangir. I myself and the officers at Army Headquarters would welcome a discussion with representatives of all the parties in this House; and, I venture to hope, that after a discussion of that kind, we shall agree that no formal Committee of Inquiry is necessary; but if Honourable Members are not satisfied, we shall certainly consider that point.

There is only one further point I should like to make with reference to what Mr. Mudaliar said in the latter portion of his speech. He said that the House wished to satisfy itself that our pension policy was not influenced in any way by the fact that the British tax-payer is ultimately responsible for the payment of most of our war pensions; and he went on, I think, to suggest that in order to lighten the burden on the British tax-payer, we in this country had disregarded—or there was some suspicion that we had disregarded—the solemn pledges and assurances and contracts that had been entered into with those who fought for India and for the Empire during the war. Sir, if there is any suspicion in the minds of Honourable Members that this is in any way our policy, I should like to take every possible step to remove it. If I may personally be allowed to express an opinion and couch it in somewhat strong language, I should say that it was a monstrous suggestion. I assure the House that such an idea has never entered our heads in India and there is no ground whatever for believing that the War Office and the authorities at home have ever in any way attempted to dictate our pension policy with that end in view.

**Mr. Muhammad Azhar Ali:** Sir, although I find that my friend, Mr. Yamin Khan, has been sufficiently replied to by my Honourable friend, Dr. Ziauddin Ahmad, yet, as a matter of personal explanation, I must say here that Resolutions, when they are moved in this House, certainly are prompted and the materials supplied by the outside public or by the Members themselves who take that trouble. My friend may pose today as a philanthropic man; he may pose today as the well-wisher of the soldier. But if the world had known him, if the members of the army who are dissatisfied today had known him as such, they would have been the first to approach Mr. Yamin Khan, as every applicant and every petitioner and every sufferer knows which way to go to find relief. If the army people have had the kindness to come to me and if I have taken up their case, I do not see in what way I have erred. One should gauge his own capacity and ability first to come to this House and say: "I will do this and I will do that." (Opposition Laughter.) I have never posed as one who would be ready to do anything for the whole world and who would be ready to spend his time without any remuneration. I am a professional myself. Surely if the matter will come to me in my professional capacity, I will accept the case for remuneration. But today I have done this undoubtedly out of philanthropic motives and

out of regard for the army people. If in future my friend says that he is prepared,—surely, after listening to him today, people will go to him, and when they go to him, I expect he will not say: “Well, bring me my fees and then I shall look into the matter.” I really thought that it was out of all proportion and not according to the dignity of the House to talk in the terms and in the way in which my friend, Mr. Yamin Khan, spoke in this House today, casting personal aspersions on Members of this House. I hope, Sir, as the guardian of this House, you will always discourage such things and, having this privilege in this House, I hope our rights will be protected by you.

As regards the statement made by the Army Secretary, I am very glad to accept it and to withdraw my Resolution with the permission of the House.

The Resolution was, by leave of the Assembly, withdrawn.

## RESOLUTION RE POLICY AND ADMINISTRATION OF INDIAN RAILWAYS.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I beg to move:

“That in view of the trade depression, high rate of loan and contemplated political reforms, this Assembly recommends to the Governor General-in-Council to take immediate steps for carrying on the necessary revision of the policy and the administration of Indian Railways.”

Sir, I am one of the greatest critics of the Railway Administration in this country . . . . .

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Question.

**Dr. Ziauddin Ahmad:** . . . . . and I am influenced by two considerations: one is my great appreciation of the valuable services which the Indian Railways and the officers and men connected with the good administration are rendering for the country, and the second is my enthusiasm and anxiety to make this administration still more efficient, though it is efficient already.

The first point I would like to take up is the loan policy of the Railway Administration. I am sorry I have only got the figures for 1931-32 as given in the Administration Report supplied yesterday, and probably my figures will have to be altered tomorrow in the light of the figures which the Honourable the Railway Member will give for the years 1932-33 and 1933-34. In the year 1931-32, we had a debt amounting to 789·8 crores of rupees. The Railways have been yielding an income of 3·02 per cent., that is, on this large sum of money, we are receiving only 3 per cent. income from the Railway Administration. The average rate of interest on our loan in the year 1921, when the Acworth Committee wrote its Report, was 3·75, and two years ago it rose to about 5·7, but now the money has become very cheap, and it is very desirable that we should devise some method to convert our loan to cheaper rate of interest. If we could bring the rate of interest to the present market value, we would be able to effect a saving somewhere in the neighbourhood of about ten crores in interest charges alone. I could not calculate the exact amount,

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and I hope that the Honourable the Railway Member, who is in possession of the latest figures, will give correct figures. The new loan can be raised in a variety of ways as was suggested by the Acworth Committee. Certain important members, including Sir Henry Burt and Sir Rajendra Nath Mukherjee, suggested very definitely in para. 224 of the Report that the Railways could raise the money at a rate one per cent. lower than the market rate. Even the majority Report suggested that it would be easier for the Government of India to borrow money for the Railways alone. In this connection a definite suggestion was put forward by the Honourable Sir George Rainy about two years ago, and I am sure that if my distinguished friend, who is now in charge of the Railways, will carry out the correct policy, he will do lasting service to the Indian Railways and an enormous service to the general finances of the country. I am not a financier, but I am inclined to believe from my knowledge of small investors that if the Government were to float loans at the rate of about half or one per cent. lower than the market rate, that is at three or  $3\frac{1}{2}$  per cent. guaranteed interest with participation in the profits, they will be able to collect the amount which they require to pay the loan which they have now taken at a very high rate of interest. If this policy is adopted, we will probably have a saving of about ten crores of rupees in the interest charges, and all the efforts that we have been making in retrenchment, all the discontentment that the Railway Administration has spread throughout the length and breadth of India, on account of their wrong policy of retrenchment, and all the difficulties they have created in the working classes, and all the discontent that is now spread among the officers' grade will soon disappear.

**Mr. K. Ahmed:** Is that figure 12 crores?

**Dr. Ziauddin Ahmad:** Yes, the figures are four crores, if we borrow at market rate of interest, i.e., four per cent. and it will be 12 crores, if we borrow at one per cent. lower than market rate as suggested in the minority Report of the Acworth Committee. Valuable service will be rendered to the country if the loan policy is revised and money is raised at three or three and a half per cent., with participation in profits. If we have years of depression, as we are having now, then the burden will fall on the investors, and the servants of the Railways will be immune to the difficulties and troubles in which they have been embarrassed.

The second point which I should like to touch is the State *versus* Company administration in Indian Railways. The present dual system should cease and we should have one or the other. The Government of India, in their Despatch dated the 17th August, 1917, that is, Despatch No. 18, clearly admitted that the State administration is as efficient as administration by the Companies. This method of taking over the administration of the Railways by the State is not a novel feature. Several countries have adopted the same policy in previous years. Japan, in 1906-1909, purchased the Company-managed Railways and brought them under State control. Switzerland, in the year 1909, adopted the same policy, and, I believe, Belgium is also doing the same now. Therefore, this policy is not a new one. It was also advocated by the Acworth Committee. The Committee said at page 70:

"They recommend that in India the State should manage directly the Railways which they already own."

I advocate, Sir, today the State-management of the Indian Railways for two special reasons. My first argument in favour of the State-management is this, that in the case of the Company-managed Railways, the Board is located in London and not in India, and, therefore, the wishes of the travelling public, the wishes of those who are really benefited by the Railways, do not reach the ears of the Board in time; and, therefore, it is very desirable that the administration of the Indian Railways should be in India and not in a place outside India. The centre of a circle should always be inside and not outside the circle. My second important consideration is that the Railways in every country are not merely commercial concerns, they are not really intended to make money; they are really intended for the benefit of the public, they are intended to develop the trade, they are intended to benefit the working classes. If the State is not responsible, and if the administration is handed over to a Company, then the Railways will be run as commercial concerns, and they will try to make as much profit as they can possibly make, and a good illustration exists in the administration of the Bengal and North Western Railway into which I need not go now.

**Mr. K. Ahmed:** You want to nationalise them?

**Dr. Ziauddin Ahmad:** Therefore, for these reasons, I very strongly advocate that the State should adopt this policy of taking over the direct responsibility for all the Railways in India.

**Mr. K. Ahmed:** You want to nationalise them.

**Dr. Ziauddin Ahmad:** I do not like to use a word whose meaning I do not know. (Laughter.)

The next point to which I would like to draw the attention of the House is the policy of amalgamation and absorption. We all know that in these days of hard competition small concerns can never be paying concerns. My Honourable friend is also in charge of Commerce and he must know very well that Japan and other countries are competing very successfully against India on account of the big combines and big concerns that they are now creating. The cost of production is always small and it is very desirable that we should also try to absorb the smaller concerns into bigger companies. On that point we have the authority of the Acworth Committee and also the authority of the Administration Report itself of the Government of India. The Administration Report says:

"The difficulties and complications now experienced in connection with these branch line companies are out of all proportion to the insignificant financial facilities offered by the companies. The Government of India have, therefore, decided that the branch line policy should be abandoned and that an endeavour should be made to reduce the number of existing branch line companies."

This is really the policy of the Government of India, but unfortunately that has not been given effect to in recent years. In the time of Mr. Simm they absorbed a number of smaller lines, but recently, for some reason or other, it has not been pushed so vigorously as it ought to have been. Here we have got about 53 different lines under 53 different administrations. 14 are classed first class Railways, 14 are called second class Railways, and 25 are called third class Railways, and some of these lines are under the administration of District Boards. I have never heard of any



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other country in the world where local authorities are in charge of railway lines, but India is a peculiar country and not only Companies registered in London, not only Companies registered in India, not only small States, not only individuals, but also District Boards are proprietors of Railways and run their show themselves. This diversity is not working very satisfactorily and it is desirable that all these should be absorbed as early as possible.

**Mr. K. Ahmed:** But that is nation building.

**Dr. Ziauddin Ahmad:** The only argument in favour of smaller lines was that they could raise money more easily than Government. It may have been true when Sir John Lawrence wrote his note in 1867, but it is not correct in 1933. Co-related to this problem is the other question of combines. It is very desirable that all these Companies that have been formed should be combined together. I am not advocating any new reform. We know that in England they combined 121 different Companies into four Companies only, by the Railway Act of 1921, and they have created very big combines with the result that the Railways are now running more efficiently and more economically than they used to do, and the unhealthy competition, that used to exist previously, has now disappeared. In India we have got very unhealthy competition between different lines and Governments pay for their unhealthy competition. We have the Bombay, Baroda and Central India running between Bombay and Delhi, and the Great Indian Peninsula also running between the same stations. The Great Indian Peninsula wants a big workshop for themselves, and the Bombay, Baroda and Central India wants an equally efficient workshop of their own at a distance of few miles. The East Indian Railway wanted to have a bridge in the town of Agra and the Great Indian Peninsula wanted to have a parallel bridge, because they would not like to use the bridge of a competing line. So a second bridge was built by them at the cost of the poor tax-payers, because in this unhealthy competition the Government and the poor tax-payers have to pay on either side. Sir, the time has now come when this unhealthy competition between the various lines should cease, and the only way out is that we do adopt a bold policy which England herself adopted. England combined all the Companies into four concerns. I am perfectly certain, if my distinguished friend in charge of the Railways will take the initiative, the Secretary of State cannot possibly negative it, because we will do just the same thing as England has done. We shall guarantee that all persons, who have got financial interests, all persons, who have got interests in the services, will continue to enjoy these existing privileges, and they will not be altered. With this proviso, I do not think that there will be any justification for opposing a bold action in following the example of Great Britain, and introducing a Bill in this Legislative Assembly by means of which 53 Companies may all be combined into one State concern.

In what way are these to be combined? This brings me to another issue. The present division of Railways is not a good division. It overlaps and it is not very efficient or economical. We have duplication of work and duplication of authorities. These authorities are popularly known as *chota* Agent, the *burra* Agent, and the *lat* Agent. The *chota* Agent is the Divisional Superintendent, the *burra* Agent is the Agent, and the *lat*

Agent is the Railway Board. Therefore, here you have got three overlapping authorities.

**Mr. N. M. Joshi** (Nominated Non-Official): What is the meaning of 'lat'?

**Dr. Ziauddin Ahmad**: Formerly we used to have the Lieutenant-Governor as the head of a Province. The Lieutenant-Governor was called the *lat* Sahib.

**Mr. K. Ahmed**: In the Assembly you will find Maharaja.

**Dr. Ziauddin Ahmad**: I think it is desirable that we should do away with so many Agents and simplify the process. The divisional organisation exists in some places and does not exist at others. We should have some kind of uniformity. Have one uniform system throughout India. I suggest two alternative proposals for the consideration of the Government for reorganising the existing lines. The first alternative which I suggest is the method of organisation followed in the Post and Telegraph administration. All the Railways should remain under the Central Government, but the jurisdiction of each unit should coincide with the jurisdiction of the provinces themselves, under one head, who may be called not a Divisional Superintendent, but a Provincial Superintendent with one Agent at the top. This is working satisfactorily in the case of the Post Offices, and I do not see any reason why it should not be successful in the case of the Railways. The Director-General controls the Postmasters-General in Provinces. Under this arrangement, we do away with the Agents and his enormous duplicate staff. We also reduce the number of Superintendents. Instead of having a Superintendent for each Division, we have Superintendents for each Province. I consider that the Agents are only a third wheel in the machinery of administration. My second alternative is, if you do not follow the Post Office, follow the example of Divisions in the army. Create four Commands—the Northern Command, the Eastern Command, the Western Command and the Southern Command, and there will be a fifth Command for Burma. Put all the Railways in the north in charge of one Agent at Lahore, all Railways in the west in charge of an Agent in Bombay, all Railways in the east in charge of an Agent in Calcutta, and in the south under one Agent in Madras. (Interruption by Mr. K. Ahmed.) I leave you. You cannot understand these Railway questions. Railways in Burma must be separately under one Agent. If separation takes place, Railways may be handed over to Burma Government without derangement of administration. We must have a big combine. Combine them in a manner so that we may follow the practice of the Post Offices or follow the example of the Army. In any case, we should do away with 53 Agents for 53 different Railways.

The next question which I should like to raise is the revision of the Convention of 1924. In Article 8 of that Convention, we clearly said that it ought to be periodically revised and that it should remain in force for a period of at least three years. Now, nine years have passed away and the time has come when we should revise the Convention, and I will mention one or two points in regard to which the Convention ought to be revised. According to this Convention, the Railway Department had to pay one per cent. of the capital at charge and one-fifth of the profit to the general revenue. I think this is a wrong thing. In many countries it is admitted that the railway earnings should not go to feed the general

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revenue. They should be self-supporting and the surplus, if any, ought to be spent for improving the condition of service, in extending new railway lines or, as they did in South Africa, in reducing rates and fares. This is reasonable, because we should not make undue profits at the expense of the tax-payer. The Railways should not be considered to be the milchcow of the Finance Department. It should be a philanthropic concern not running on altogether commercial lines, though the commercial aspect should not be lost sight of. We should combine commerce and philanthropy. Then there should be some kind of machinery to revise the expenditure on capital expenses. Of course there may not be much to say about running expenses, but I think the system of expending money on capital expenses is exceedingly defective and this subject was entirely omitted in the Convention. We should set up a very strong machinery to revise this particular thing. Here I may quote one or two things for the amusement of the Members. The other day they constructed a big shed at Moradabad at a cost of several lakhs of rupees. It was a revolving shed for engines, and when it was completed, it was found that if one of the engines was derailed, the passage for all other engines was blocked. It was badly devised and the whole thing had to be remodelled. So, money spent on the shed was entirely wasted.

I said yesterday that all experts were eccentric, but the railway experts are more eccentric than the astronomers whose example I quoted yesterday. At Lakhsar station, there was a great deal of malaria and it was thought to be a good thing to raise the roofs of the houses and to raise the level of the whole ground. They brought in mud and raised the level of the whole place and when rain came in, it washed away all the mud, and the money was wasted. I do not know who prepares the estimates. The actual cost may differ from estimates by five to ten per cent., but the difference between estimates and actuals in the Railways is 300 or 400 per cent. This is a thing which only railway experts in the world are competent to do. We want really to have some machinery by means of which we could exercise better control over the capital expenditure.

This brings me to the Statutory Board, because that is the body which I think will be competent to supervise this capital expenditure. We have been discussing recently the creation of this Board and it is high time that we do it. Most of the difficulties will probably disappear if this Statutory Board is created. This Statutory Board ought to be created by the Legislative Assembly or the Federal Assembly when it comes into existence, and not by the Parliament. It should not form part of the Government of India Act. This Board should consist of honorary officers who may receive honorarium much in the same way as the Directors of other Companies do and the President of this Board ought to be the Minister in charge of Communications and, as the Acworth Committee suggested, this Minister should be in charge of all communications, including railways, roads, coastal shipping, and so on. Under this Board, we should have permanent officials corresponding to the present Railway Board. It may be called an executive board consisting of three members. These persons ought to be appointed direct by the Government and should not be removable with the change of the office of Minister. They should be permanent officials and not depend upon the votes of the Legislative Assembly. All the expenses which the Railways will incur should, in

the first instance, be scrutinised by the Statutory Board either acting together or by means of Committees and then they should be laid before the Assembly. No doubt the expenditure is now laid before the Assembly, but it is laid in a manner that the Members have got no opportunity to scrutinise them, because they are all guillotined on the fourth day. The whole Budget is manœuvred in this way. Therefore, I strongly advocate that we should constitute at an early date a Statutory Board responsible to the Indian Legislature having under it permanent officials. We may group the administration on the lines of the Post Office or, if it is not feasible, on the line of the military organisation with five Commands. This will be the right way for the new administration.

The other thing which I would very strongly advocate is the institution of the Rates Tribunal. I would like to have the Rates Tribunal constituted in the same way as established under the British Railway Act of 1921. The Tribunal should consist of three persons, one judge, or a distinguished lawyer as President, and one railway and one commercial expert, and there should be an appeal to the High Court or to the Privy Council when one is established in this country. The present Advisory Rates Tribunal is highly unsatisfactory. It is really waste of money and it is very desirable that we should have something more definite. There are one or two other suggestions I should like to make if time permits.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The Honourable Member has got two minutes more.

**Dr. Ziauddin Ahmad:** We should remove unnecessary offices like the Clearing Accounts Office, the Standards Office, the Railway Conference Office and the Publicity Office. I would like to amalgamate the Publicity Office with the Railway Board. The other thing I would like is that there should be All-India Railway Service just as there is an All-India Educational Service. The persons recruited for a particular line should be transferable to other places. For want of time, I do not like to develop other points such as the control of vendors, the comfort of third class passengers and so forth. I have got very definite suggestions on vendors, but, unfortunately, the Railway Board forms its judgment on the reports of their subordinate officers, who all travel in saloons and they are not in touch with practical problems and difficulties. We must associate in the administration non-official men who are really more competent to form correct opinions on such points such as the present system of giving contracts of tea shops to one man, with power to give sub-contracts to other persons. Those persons give sub-sub-contracts to others, and so on and so forth. Such system of sub-contracts ought to be stopped, because it unnecessarily increases the cost and raises the prices of the articles of food. Now, there are one or two points which I should have liked to mention, but time does not permit me to do so. With these few words, I beg to move my Resolution.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** Resolution moved:

"That in view of the trade depression, high rate of loan and contemplated political reforms, this Assembly recommends to the Governor General-in-Council to take immediate steps for carrying on the necessary revision of the policy and the administration of Indian Railways."

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I do not propose to disappoint my Honourable friend from Aligarh when he asked me this morning that I should be prepared for a speech on this "very important Resolution". I was not so certain whether the House, after all the enthusiasm for the disabled soldiers that my Honourable friend from Madras had exhibited, and, after all the earnestness that was displayed, that we should come on to this Resolution, nor was I very keen, even though coming events cast their shadows before. I wonder how the Honourable the Commerce Member—or as he will hereafter be called the Honourable the Railway Member—will feel about what is in store for him in the days that are to be. (*A Voice: "What is it?"*) My friend, Mr. Mudaliar, asks me "what is it?". It is that we will find an occasion to raise a debate on the Resolution that steps be taken for carrying on the necessary revision of the railway policy. Then another token motion will arise in the debate that steps be taken for a revision of the administration of the Indian Railways. Perhaps Dr. Ziauddin Ahmad himself, the non-official railway expert of the Independent Party, will table a token cut that all the Railways should be State Railways. I do not know where the preamble of his Resolution will come in,—“in view of the trade depression, high rate of loan and contemplated political reforms”. That, Sir, perhaps will come in under some head.

**Mr. N. M. Joshi:** Capital expenditure.

**Mr. C. S. Ranga Iyer:** My friend, the Honourable Member for Labour, says "under capital expenditure". I say that the contemplated political reforms could be taken up under a token cut under the "Executive Council" when the General Budget comes up before this House. Thus, in this small Resolution, by way of preamble the bigger Budget is anticipated and the operative section of the Resolution anticipates what we are immediately going to be presented with. For these reasons, Sir, I hope my Honourable friend will not be disappointed if we do not propose to discuss this Resolution at length. We should like to concentrate on this in connection with the discussion on some larger subject, and on a more congenial occasion.

**Mr. K. Ahmed:** The wording of the Resolution is defective, you mean?

**Mr. C. S. Ranga Iyer:** The Honourable gentleman has put me the question whether the wording of the Resolution is defective. I never, Sir, attack Honourable Members in respect of the wording of their Resolutions; I always compliment those who word their Resolutions rightly. The wording of the Resolution is effective, but it is "an effect defective which comes by cause". (*Laughter.*)

**Mr. N. M. Joshi:** May I ask the Honourable Member whether he is making a motion that the discussion on this Resolution be adjourned *sine die*?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Honourable Member has not moved any motion.

**Mr. O. S. Ranga Iyer:** I formally move, Sir:

"That the discussion of this Resolution be adjourned *sine die* now that we have had views expressed to us by Dr. Ziauddin Ahmad on the subject."

**Mr. K. Ahmed:** I support the motion, Sir.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division: Non-Muhammadan Rural): Sir, in view of the fact that a discussion on the Railway Budget is soon to take place in this House, it is unnecessary for me or for any other Honourable Member to make any long speech on the subject today. I was under the impression that the Honourable the Mover of the Resolution would postpone discussion on this subject till the opportunity came in the shape of the Railway Budget. However, as he has chosen to open this debate on the eve of the presentation of the Railway Budget, I feel constrained to give expression to a few points.

Sir, the Railways in India are running at a heavy cost and the salaries paid to the Railway staff in India are much higher than in any country in the world. . . .

**Mr. N. M. Joshi:** Sir, in view of the fact that a motion has been moved that the debate be adjourned, will the further speech of the Honourable Member be in order?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The Chair called the Honourable Member to make his speech.

**Rai Bahadur Lala Brij Kishore:** I fully realise that if my expenditure increases more than my income, my estate will have to go under the management of the Court of Wards. The same principle applies to the Railways. If the Railway authorities cannot carry on their work within the income which the Railways earn, the management will have to be entrusted to a body constituted like a Court of Wards. My submission is that the expenditure should be controlled by bringing the salaries of the people working on the lines down to the extent which may just suit the income. I may not be misunderstood while I say that a start in the cut should be made from the bottom, but high salaries paid to the upper staff and the high allowances paid to them should be cut down to that level which the income of the Railways may afford to pay. The Railways should not exist only for the purpose of paying high salaries to the staff engaged thereon. I do not mean to suggest in any way any retrenchment in the salaries of the staff of the Railway Board or any retrenchment in the personnel of the Railway Board staff or the staff engaged on different lines. But the fat salaries and allowances paid on the lines should be greatly curtailed and the expenditure controlled to meet the present-day income. Without this, there can be no improvement in the extension of the lines or providing facilities for trade and commerce to those parts of the country where such facilities do not exist.

With these few words, Sir, I commend the Resolution for the favourable consideration of the Government, but I expect the Honourable the Mover to see his way not to press it to a division and to withdraw it.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Mr. K. Ahmed.

**Mr. K. Ahmed:** Sir, I have already moved that the debate be adjourned *sine die*, and I would now ask you kindly to put the motion under the Rules and Standing Orders that the question be now put.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Mr. James.

**Mr. F. E. James** (Madras: European): Mr. Deputy President, I did not originally intend to take part in this discussion, but I do so merely to express some surprise at the course that events are taking. I understand that this Resolution, which obviously is an extremely important one, covering a large variety of subjects connected with the administration of the Railways, was tabled after due consideration of its meaning and importance, was balloted for and secured a place in the ballot and that it then attracted the particular attention of the Independent Group or Party, and of my friend, the Member for Railways of that Group. Now, Sir, after the exhaustive speech in which the Member, who has spoken to the Resolution at length, has covered a very large ground and made some most important and valuable suggestions, I should have thought the points would be discussed by the various Parties in this House in order to give this House the opportunity of a review of the administration. After that speech, Sir, I find a curious conspiracy on the part of most of the Parties in the House to adjourn the discussion . . . .

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City: Non-Muhamadan Urban): There is no conspiracy. Sir, I may say, if my Honourable friend will pardon me, that so far as the Independent Party is concerned, there has been no conspiracy of the kind and we are willing and anxious to carry on this Resolution, and that we are not parties to any motion to postpone this Resolution either on its merits or for any indirect purpose of hastening on to any other Resolution on the tapis of the House.

**Mr. C. S. Ranga Iyer:** Sir, I just rise to repudiate the insinuation involved in my Honourable friend's statement in regard to the Nationalist Party, because we are not conspirators here anxious either to aid or to do the opposite of it in regard to this Resolution.

**Mr. F. E. James:** Sir, I was not, of course, using "conspiracy" in its criminal sense. I am using it in a much more genial sense, but I certainly withdraw that word if it does convey anything which should not be conveyed to any Honourable Member of this House. I was merely expressing some mild surprise that an important discussion of this kind appeared to be drawing to a close when I should have hoped that Members from all sides of the House would join in discussing the suggestions made by the Honourable Member of the Independent Party for Railways. Sir, it is not my intention to make any particular suggestions on the lines of this Resolution, nor is it my intention unnecessarily to stand between the House and the reply of the Honourable the Commerce Member. I wish, however, to point out to my Honourable friend, the Deputy Leader of the Opposition, that while it is true that many of these matters would come up for discussion at the time of the Railway Budget and also at the time of the General Budget, it is also true that that time is very carefully allotted and that this House is limited in the opportunity which it secures for discussing some of these important points. I would, therefore, suggest that it would be better to take the opportunity of this particular discussion to

debate some of these points. Otherwise there will not be perhaps the same importance attached to Resolutions which are balloted on important questions as we, the non-official Members of this House, would wish to have attached to those Resolutions.

**Mr. N. M. Joshi:** Sir, I rise to support the motion made by my Honourable friend, Mr. Ranga Iyer. I assure you, Sir, that I am not interested in closing the discussion on this, because I am one of the conspirators; but, at the same time, I feel that I come to this Assembly in order that we should make the best use of the time of this Legislature. My Honourable friend, Mr. Ranga Iyer, was absolutely within his rights and was perfectly justified in pointing out that there will be a discussion for four days in this Legislature on railway matters and, therefore, there should be sufficient opportunity for every Member to raise any question about the Railways. If, therefore, we feel that the discussion on this question should be closed today, it is because we want to make the best use of the time of this Legislature, and do not wish to misuse that time. I am sorry that my Honourable friend, Mr. James, should have spoken in the strain in which he did, and, if I am to retort to him in his own way, I may say that if we are interested in hastening the discussion on any one question, he is interested in closing the discussion on another question. I support the motion made by my Honourable friend, Mr. Ranga Iyer.

**Several Honourable Members:** The question may now be put.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is that the question be now put.

The motion was adopted.

**Dr. Ziauddin Ahmad:** Sir, may I know what is the position now?

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The closure has been applied and accepted. After allowing the Honourable the Commerce Member to speak, the Chair will call upon the Honourable the Mover to give his reply.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, may I raise one point? If the motion for adjournment *sine die* is accepted, it will leave me without an opportunity of replying to further speakers who may take part in the debate. At the present moment, there is only one speaker, namely, the Mover, who really referred to the merits of the case. My Honourable friend, Mr. James, after having laid great stress upon the importance of this debate, proceeded then to abstain from saying one single word on the merits of any single issue. I would, therefore, if the motion is likely to be carried, certainly like to retain my right to reply to any further debate which may take place on a subsequent occasion.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I am afraid there is a misapprehension. I did not understand Mr. Ranga Iyer to press his motion that the debate do stand adjourned. After Mr. Ranga Iyer made that motion, I called upon Rai Bahadur Lala Brij Kishore to speak on the motion itself. Then Mr. James intervened and also Mr. Joshi. Then I heard voices that the question be now put which means that the original question must be put, and the closure has been applied on that point. So there is no question of adjourning this debate at all.



**Dr. Ziauddin Ahmad:** On a point of order, Sir. I clearly wanted to know whether the question was about my motion or about closing of the debate.

**Mr. K. Ahmed:** Sir, the original motion was that it must be adjourned *sine die* and that is the motion. According to the practice of this House, when that motion has been moved and supported, and the question was that the question may be now put, which also has been carried, I submit that no question arises now of the Commerce Member making a reply as the motion has already been carried. Therefore, we must go on to the next item on the Agenda.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** I am obliged to the Honourable Member for the guidance that he has given to the Chair. Do I understand Mr. Ranga Iyer to say that he wants that the motion that the debate do stand adjourned should be put?

**Mr. C. S. Ranga Iyer:** Yes, Sir. I move that the debate do stand adjourned.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** I will take the opinion of the House for closure on that point. The question that will be put, if the closure is accepted, is that the debate do stand adjourned. The question is that the question be now put.

The motion was adopted.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The question is:

"That the debate on this Resolution do stand adjourned."

The motion was negatived.

**The Honourable Sir Joseph Bore:** Sir, I had never till this day realised the full versatility of my Honourable friend, Dr. Ziauddin Ahmad. I have known him as a great mathematician whose mathematical subtleties have often bewildered this House. I have known him also as a master of figures who has always been able to prove conclusively that two and two make either more or less than four. But today, Sir, we have him in the role of a railway expert, qualified to deal with any matter, whether it is financial or administrative or technical connected with the Railways of India. Well, Sir, I am grateful to him, and I will explain to him later on why really I am grateful. He said a few days ago, in the course of a fire of Supplementary Questions, when I said that I was always ready to sit at his feet, that the Railway Board did not always listen to his advice and counsel. Well, Sir, that is the fate of many great sages and teachers. The seed that they sow often falls upon stony ground and fails to fructify. Sometimes it is the fault of the ground, I admit, sometimes also it may be the fault of the seed, because I have known seeds which, despite all the efforts of the gardener, have failed to germinate. Now, Sir, my Honourable friend has dealt with this question in an encyclopædic manner and I find it extremely difficult within the time which I have at my disposal to refer to all the matters raised by him. I find it even more difficult to know which matter to

take and in what order to deal with them. I do, however, quite clearly recognise the intention behind this motion. The Mover has put forward certain definite concrete proposals and has, on the whole, abstained from destructive criticism. I would like to assure him that we on this side of the House appreciate and welcome every constructive effort that is calculated to help us to carry on the working of the great administrative machine. That is why, Sir, I say I am grateful to my Honourable friend for what he has done today.

Now, Sir, perhaps I had better begin with the suggestion that the capital at charge of our Railways should be replaced by debentures at a low rate of interest and perhaps participating in profits. I think Dr. Ziauddin referred, if not today, I think in an article which he wrote some time ago,—he referred I say to this as a suggestion which had come from my distinguished predecessor, Sir George Rainy. I think that there is likely to be some misunderstanding in this matter. As the matter is one of considerable interest, I would like to repeat to the House the words which Sir George Rainy used on that occasion. He said:

“Ordinarily, a company railway in any country in the world would have raised part of the capital invested in the line by means of prior charges such as debentures, and another part in the form of ordinary shares. I will not complicate the comparison by referring to preference shares which might be held to fall in the one class or the other according as the dividend was cumulative or non-cumulative. When trade is depressed and railway earnings decrease, it becomes impossible to maintain the same distributions out of the balance remaining after working expenses have been covered. In that case, the ordinary dividends would first be sacrificed, the provision for depreciation would come next, and the prior charges last of all, because failure to meet them would be an act of insolvency. A State-managed Railway, however, is usually in a different position, and certainly this is true of the Indian Railways. The whole of the capital has been raised in the form of what is equivalent to debentures, for the ordinary share capital of the company-managed lines is a negligible proportion of the total. It is true, therefore, to say that, before any allocation can be made for depreciation, interest has to be paid in full on the whole of the capital invested in the undertaking. The point to which I draw attention is this, that so far as the commercial lines are concerned, if only one-fourth of the capital investment were in the form of ordinary shares instead of in the form of fixed interest-bearing securities, it would be possible, in each case of the three deficit years, to meet the depreciation charges in full by means of a reduction in, or the total suspension of, the ordinary dividend.”

I think, Sir, there is a little difference between that and what my Honourable friend, Dr. Ziauddin, suggested. As regards the actual figures involved, I would say that my Honourable friend has put his estimate extremely high. As a matter of fact, excluding capital specially raised for the Railways and excluding capital provided by the Companies the amount that is paid on Government capital of about 575 crores is about 25½ crores annually. This works out at an interest of about

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4·4 per cent. Of this amount of 575 crores, about 275 crores were borrowed at extremely low rates of interest: the interest we pay on that is about three and one-third per cent. On the balance of 300 crores the interest we are paying at present amounts to about five and a half per cent. Now, if, instead of the five and a half per cent. we had debentures carrying four per cent., we should save something like four and a half crores—I have not been able to work it out, but it is a simple matter to work out how much would be saved in the unlikely event of our getting debentures at three per cent. as suggested by my Honourable friend. But the point really is this: it seems to me that it would be an extremely difficult matter for the Railways to raise such a large loan as 300 crores at three per cent. in the form of debentures, even though the

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debentures had the prospect of sharing in profits. If that prospect were extremely attractive, then all I have to say is that in good years it would make a very large hole in our profits, and if the prospect were not attractive, I very much doubt whether we should be able to get those debentures taken up.

The next point which my Honourable friend referred to was the suggestion that the Railways should be constituted on an entirely different basis. He suggested a provincial basis or a divisional basis, with one Agent at the Centre for all Railways. That was the first suggestion that he made. I think that that is somewhat on the German pattern, and I believe that my Honourable friend has had an opportunity of a personal study of that system. I am afraid that my own experience of it is extremely superficial and certainly of very recent date, and so my Honourable friend has the advantage of me in this matter. But I would like to mention certain considerations which I think will show that it is not possible to institute analogies and comparisons of this nature. Take for instance the German Railways where you have a single Agent. Now this is the point I want to emphasise: the German system supplies means of communication over an area of about 180,000 sq. miles. Our system supplies communications over an area of about 1,700,000 sq. miles. And I would suggest to my Honourable friend that what is possible in the first case may be quite impossible in the second case . . . . .

**Dr. Ziauddin Ahmad:** May I ask what is the mileage in Germany?

**The Honourable Sir Joseph Bhore:** The mileage of the German railways is about 36,000 and our mileage is about 40,000; but my Honourable friend will realise that it is far easier to run a compact concentrated system than it is to run an enormous system like ours spread over enormous tracts of country. That is the difference which vitiates the comparison. I may put it in another form. If, for instance, a single Agent of the Indian Railways were operating in Europe, instead of controlling an area the size of Germany, he would have to control an area the size of the whole of Europe excluding Russia, a very different proposition indeed. I must admit that a single Agent, sitting like a spider in his web, ready to pounce upon any part of his domain which may call for it, is an attractive picture; but if you have that spider located at one end of his web, as he would be if the Agent were located in Delhi, and if you have a web so vast that it must cover the whole of India, then I am afraid that the flies would be playing games with impunity at the extreme corners of the web. As a matter of fact, the divisional system raises a good many difficulties. I understand that in Germany there are about 30 such Superintendents. Each one has about seven departmental heads and I think each division has about twenty sub-divisions. I am not at all sure whether a scheme like that could be economically applied to India. In any case I do not see very much difference between either a Provincial Head or a Divisional Superintendent and an Agent except of course that the Divisional Superintendent would have a very much smaller charge than an Agent. But I do not mean to suggest to my Honourable friend that I am turning down his suggestions straightaway. He will realise that in a matter of this importance it is not possible to deliver an opinion one way

or the other without much more careful examination. I would, therefore, say—not that I keep an open mind, because I think that that is an expression which might not be accepted by certain Members of this House—I remember the other day one Honourable gentleman behind me said that an open mind was an open drain, and a gentleman opposite said that a close mind was a gas generator—but that I keep an open mind which can be closed or a closed mind which can be opened; and I think thereby I shall satisfy both Mr. Biswas and Dr. Dalal. I do not propose to touch on the suggestions to abolish the Clearing Accounts Office, the Standards Office and the separation of Audit and Accounts. Those matters have been dealt with over and over again on the floor of this House and I have no doubt that questions on these subjects, will be raised again on another occasion; but I would say to my Honourable friend that if he can make any practical suggestion which would help in simplifying our audit or our accounting arrangements, we should be only too grateful to him.

The Honourable Member then referred to the difference in organisation between different Railways and he suggested that there should be uniformity of such organisation. For example, the transportation and commercial branches are separate on the G. I. P., whereas they are amalgamated on the N. W. R. and the E. I. R. The separation is deliberate, because we wish to ascertain by actual practice which system is the most suitable and the most efficient. As a matter of fact, I may inform my Honourable friend that this is one of the questions which we have definitely referred to Mr. Pope and we hope to get a report by him on this question so that my friend can see that his criticism is being followed up.

Now, Sir, my Honourable friend made two very important and, I think, very interesting suggestions. First of all, he made the suggestion that there had been considerable duplication, considerable waste of capital, and that capital commitments had been undertaken which were not justified by economic considerations. There may be a good deal to be said for that point of view, and I will not join issue with my Honourable friend, but I would submit to him that if this is true, the present Railway Administration deserves his sympathy and not his criticism.

Another point my friend raised was amalgamation. I gather that what he suggested was that by amalgamating and enlarging certain systems, you could reduce the cost of the directorate. That, I think, is undoubtedly a valuable suggestion, and I have no doubt it must be considered as soon as there is an increase in the number of the State-managed Railways.

As regards State *versus* Company-managed Railways, my Honourable friend of course realises that we have lost no occasion of buying up Railways when their contracts came to an end without reasonable cause. We did not do so in the case of one Railway purely on account of financial considerations.

Another point which my Honourable friend raised was the suggestion that we should have All-India Railway Services. I am afraid I did not quite follow him in that criticism, because at the present moment we have All-India Railway Services for the State Railways.

Then, Sir, another point which my Honourable friend raised was the revision of the Convention. I do not think that I can do better than

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read the opinion of Sir George Rainy with which I entirely agree on this question. He said:

"The conviction has been growing in my mind that it is impossible satisfactorily to settle that question",—*that is the question of revising the Convention*,—"apart from the big constitutional problems that were coming upon us, and I am more than ever convinced of that now. But what is quite certain is that the convention will have to come under examination in connection with the constitutional changes. It is absolutely inevitable. Apart from any particular proposals which might be made, obviously at a time when as part of the constitutional settlement the whole question is raised of how far existing sources of central revenue might be assigned to the provinces, the question of contribution of the railways to the central revenues must come under examination. That, I think, is inevitable."

I should like to add one other reason, which, I think, affords some cause for satisfaction, that the attempt was not made to revise the Railway Convention hurriedly two years ago. We were then dealing only with years of prosperity; we had nothing then to do with years of adversity, and if we are going to revise the Convention, it will be necessary for us to have the experience both of prosperous years and of years in which we have suffered.

I think, Sir, I have hastily touched upon most of the points raised by my Honourable friend, and I would close by once more emphasising my own feeling towards the manner in which he has raised the points he has for consideration of this House. I am sure, he must realise that having regard to the complexity and the importance of the subjects which he has raised, it is not possible for me within the limits of a reply, extending to 15 or 20 minutes, to give any answer which can deal exhaustively with even a single one of these subjects, but I can assure him that some of them at any rate are extremely interesting and must inevitably come under examination. I do appreciate the fact that he has put his suggestions in a concrete constructive form with the object of making a definite contribution towards helping us in carrying out the administration of the Railways. I hope, Sir, that having served his object, he will withdraw the motion.

**Dr. Ziauddin Ahmad:** Sir, I do not wish to go into greater details about the manner in which the Deputy Leader of the Nationalist Party handled this question. If he wanted to move his motion, he could have come straight to me or to the Leader of the Independent Party, and at his request I would not have moved my motion at all. But, instead of adopting an honest and direct course, he preferred to follow an indirect, crude, and, I should say, an ungentlemanly method . . . .

**Mr. C. S. Ranga Iyer:** On a point of order, Sir . . . .

**Dr. Ziauddin Ahmad:** There is no point of order.

**Mr. C. S. Ranga Iyer:** I have a right to raise a point of order.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** What is the point of order?

**Mr. C. S. Ranga Iyer:** The point of order is this. The Honourable gentleman just said that I took an ungentlemanly course, and I want him to withdraw that expression.

**An Honourable Member:** Quite right.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Does the Honourable Member want to know from the Chair whether it is a Parliamentary expression?

**Mr. C. S. Ranga Iyer:** I want to know, Sir, from the Chair in what connection it can be a Parliamentary expression, if at all, and if my moving on the floor of the House that the discussion do stand adjourned can be construed as an ungentlemanly method. If the Chair rules that it is correct, I have no objection, but I want the Chair's opinion whether the expression is Parliamentary or not in that connection.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I think that the Honourable gentleman's use of the expression "ungentlemanly" in this connection is quite unparliamentary, and I think he will do well to withdraw it.

**Dr. Ziauddin Ahmad:** I accept your advice, Sir, and even without your advice I would have withdrawn that expression had it really troubled the mind of my distinguished friend, because I am not going to fight over words. I can use any mild expressions like "perfect gentleman" or anything like that, if it will please him; but I cannot withdraw the facts. The facts are there. The words I can always withdraw. The facts I cannot change. I spoke to him this morning and said that the Railway Convention was his pet subject. I also asked him whether he would care to enlarge on this topic, because he knew that I was going to move my Resolution. Had he told me that he wanted to . . . . .

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I rise to a point of order. Is the Honourable Member in order in stating on the floor of the House any conversation that takes place between Honourable Members in the lobby? Sir, in the first Assembly that question was raised, and it was ruled by Sir Frederick Whyte that what passes between Members in the lobby should not be mentioned on the floor of the House.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): I do not think it really raises a point of order. It must be left to the good sense of Honourable Members as to what part of their private conversation could be mentioned on the floor of the House.

**Dr. Ziauddin Ahmad:** The example was set by the Deputy Leader of the Opposition. I never wanted to refer to any such conversation. It is he who introduced me in his speech and I am replying him. I feel that my friend could have adopted a simple and direct method. Had he approached me or the acting Leader of the Independent Party and suggested that this Resolution should not be moved, then I assure him I would not have moved this Resolution at all . . . . .

**Mr. C. S. Ranga Iyer:** Sir, the Honourable Member has been guilty of a gross misstatement of facts. I never told him that I wanted to reach

[Mr. C. S. Ranga Iyer.]

my Resolution, nor did I tell him that I was going to help him in his Resolution. He wanted to move his Resolution and he wanted me to speak on that also, and I spoke on that.

**Dr. Ziauddin Ahmad:** Sir, I do not wish to continue the controversy, and I leave the House to draw their own conclusion.

Now, coming to the subject, I just want to draw the attention of the Honourable the Railway Member to one or two points. He said that if there will be Provincial Superintendents of Railways, it will not be possible for one Agent to regulate their work. At present there are 53 different administrations and 53 different Agents and Sub-Agents, and all these 53 are now controlled by one Central authority, that is the Railway Board. Therefore, the argument of my Honourable friend does not appeal to me. But at any rate I have made an alternative suggestion, namely, that instead of one Agent, follow the practice of the Army, have five Agents, that is, the Eastern Command, the Northern Command, the Western Command and the Southern Command, and a separate Command for Burma. If the other suggestion was not feasible, this might be adopted. I suggested the first alternative for this reason that the Railways will come more and more in touch with the Provinces which will in future enjoy provincial autonomy, and the Railways will help them in solving local provincial questions. That was the idea at the back of my mind when I suggested that alternative.

As regards the saving in interest, I gave a figure of ten crores. I had not all the data with me, but when my Honourable friend lays all the figures in his Budget speech, we can calculate the exact amount which we can save. But he himself admitted that he will possibly save about four crores. Even that sum of four crores is not a small sum, and if this amount could be saved in the interest charges, then all the troubles that have arisen in connection with the retrenchment of men would have disappeared.

The next point is whether the time has now come to revise the Railway Convention. The argument was that as we were now having a time of adversity, it was desirable that we should see also the time of prosperity before coming to some conclusion. I think we had prosperous days from 1925 to 1930 and now we are having years of adversity during the last two years. So we have got the experience of both prosperous and adverse times. If you begin it at a time of prosperity, it is not likely you will have a good bargain; it is only in the time of adversity that you can strike a good bargain.

Now comes the question of an All-India Service. No doubt a beginning has been made in the institution of an All-India Service for the State Railways, but I would very much like to have an All-India Service for all the Railways owned by the State, and then extend it to all the other Railways in India.

As regards experiments, may I say that we have been having Railway Administration for about three-quarters of a century. We have got in the staff of the Indian Railways persons with experience of the Railway Administrations in various countries. The time for experiment must now cease, and we should take some bold action. We had years of experiments since we took charge of the Company-managed Railways, and there should be a time limit even for experiments. We should now take a bold action and strike out a definite policy and go ahead.

With these few words, as I said before, a Resolution of this kind is not intended for division, but only for the purpose of drawing the attention of the Government. I, therefore, beg leave of the House to withdraw the Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Mr. Ranga Iyer.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): It has just been represented to me by the General Secretary of the Independent Party . . . . .

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Order, order. I would invite the Honourable Member's attention to Standing Order 61:

"A Member in whose name a Resolution stands on the list of business shall, when called on, either :

(a) withdraw the Resolution, in which case he shall confine himself to a mere statement to that effect; or

(b) move the Resolution . . ."

The Honourable Member cannot make any other statement at this stage.

**Mr. C. S. Ranga Iyer**: Thank you. If you had only listened to me, Sir, if you had allowed me to complete, you would have known that I comply with the Standing Order to which you have drawn attention. I will read my statement over again. It has just now been represented to me by the General Secretary of the Independent Party, Mr. S. C. Mitra, that he would like the Resolution which stands in the name of a member of his Party on the release of Mahatma Gandhi and his supporters in jail to be taken up next. I gladly yield place to Mr. Maswood Ahmad, and I withdraw my Resolution.\*

#### RESOLUTION *RE* RELEASE OF MR. GANDHI, MUFTI KIFAET-ULLAH AND OTHER POLITICAL PRISONERS.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Mr. Deputy President, I move:

"That this Assembly recommends to the Governor General-in-Council to release Mr. Gandhi, Mufti Kifaetullah and other political prisoners." (Laughter.)

Mr. Deputy President, I want to warn the Government that this is not a time for laughter at all. The whole constitution of the country and everything else are in the melting pot.

How long, I ask the Honourable Members on the Treasury Benches, are they going to prolong this? Is there to be any end of this campaign?

Thousands of patriotic Indians are in jails, everything is in a state of unrest, and I do not know what the Government could expect from the Round Table Conference without releasing the Indian leaders.

The main question is, who is responsible for all this trouble—whether the Indian leaders, Mr. Gandhi and Mufti Kefaetullah, are responsible, or the Government. In this connection I will remind the House of what happened. An old, thin, religious man wants to see the head of the

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\*"This Assembly recommends to the Governor General in Council that two non-official representatives of this House be nominated to interview Mahatma Gandhi in jail with a view to bringing about his release and that of his followers and to secure the Mahatma's co-operation in the further stages of constitution-making."



[Mr. M. Maswood Ahmad.]

Government for a talk on some political matters, but the permission is refused, his advisers do not allow the interview, and the trouble starts. That is the main cause of this unrest. May I ask, what was the fault of the other old, sick, religious man, i.e., of the Mufti Sahib?

The question now is, who is to move—whether the Government should come forward and say that they are ready to have a settlement, or whether the Indian leaders should do that. Mr. Gandhi and other Indian leaders have now changed their attitude to a very great extent. Mr. Gandhi and Mufti Kefaetullah and others are ready to co-operate with the Government. If this be not correct, let the Government see for themselves this fact. These leaders are trying to see a Bill called the Anti-Untouchability Bill passed by the Assembly. Does it not show that they are ready to co-operate with the Government? They have confined their attitude to anti-untouchability only. So, they have shown their good sense, they have come before the Government, and they are ready to co-operate, but if still the Government are of the same old opinion, I do not know what more Government want from them. I think the attitude of the Government in this connection is not wise. If you see the lives of Mr. Gandhi and Mufti Kefaetullah, they are religious men. Mufti Kefaetullah commands the respect of all Mussalmans. Great co-operators as well are losing their patience.

I want to make it clear that when I am talking of political prisoners, I am not talking of the terrorists at all. I do not say that the terrorists prisoners should as well be released. I condemn terrorism. But I ask the Government as well to leave the terrorist attitude. I advise them to adopt a compromising attitude. Those who have got nothing to do with terrorism should be released. If Government want the future constitution to be worked smoothly, they should create a calm atmosphere in the country. They should not take recourse to what I saw in a drama. There was a quarrel in which both parties were saying: "*Nak kat jae jo manoon pahle*", which means "His nose will be cut, who will move first for compromise". Government think they should not go first for a settlement. In my opinion, Government must go forward and say: "Here we are ready for a settlement". If the other party refuses, then the responsibility will be on the other party. It is the duty of the powers that be to come forward. In this connection there is an old Persian proverb which I do not want to quote, but which means: "it is the party in power that should come forward for a settlement". If Government are not willing to release these people, their whole scheme will probably fail. If nobody is satisfied, then the reforms will not be accepted and the only wise course for Government is to accept our well-known demands and to release Mahatma Gandhi, Mufti Kefaetullah and other political prisoners. With these words, I move my Resolution.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Resolution moved:

"That this Assembly recommends to the Governor General in Council to release Mr. Gandhi, Mufti Kifaetullah and other political prisoners."

**Sardar Sant Singh** (West Punjab: Sikh): I rise to support the motion moved by my friend, Mr. Maswood Ahmad. The question of the release of political prisoners has been engaging the attention of this House in various forms. Questions have been tabled. Supplementary questions have been put. Questions as to the desirability of the release of such

persons have been put, not only in this House, but in the Parliament as well. The Government of India as well as His Majesty's Government in England have consistently refused to listen to the public voice on the question of the release of these gentlemen on the ground that the question could only be considered if and when these prisoners were prepared to give some such undertaking as to withdraw their support to the civil disobedience movement. There seems to be something rotten in the State of Denmark. The Government insist upon a condition which no self-respecting gentleman could fulfil. This is not the first occasion in history when the persons in power have refused to listen to the voice of reason. Jesus Christ was crucified in the name of law and order, because he did not agree with the administration of his time. He would not agree to the terms sought to be imposed by those in power at the time and we find that, while those powers have disappeared from the face of the earth, Jesus Christ still lives. History is full of such instances where the spirit of the times was not visualised by the administrators with the inevitable result of ruin of the administration.

Coming to the recent history, I may point out that the Sikh history furnishes noble examples of the same spirit. Muhammadan rule was crumbling. The spirit of that rule had gone and only the soulless body had remained when the Sikh Gurus were faced with a similar situation and were forced to raise their standard of rebellion against the administration. Four Gurus, with a number of illustrious martyrs, had given their lives before the rule could crumble to the ground. Similar conditions are coming into existence now. What is the idea underlying the term "Government"? The underlying idea of a Government or State is to formulate rules of conduct for the people based on morality and high sense of duty towards the common weal. The standard of conduct is taken from the lives of those who are regarded as good and virtuous and who subdue self for the common weal. If good and virtuous people are dissatisfied with a State, the State must be changed and not the good people should be shut up in prison. In India administration is working on lines which are reverse of sound. There is no wonder that everybody is shouting '*Inqilab zinda bad*'. Change is wanted. You yourself are here for a change. You yourself say: "We will give you another Constitution", because the present one is rotten. We are at least co-operating in this one matter that we all want a change. What kind of change it should be is a matter of opinion. If you introduce a change which is not acceptable to saints, to good people, to honest people, to men of character, certainly that change will not be acceptable to the people at large. How can you defend a system where saintly men like Mahatma Gandhi and men like Mufti Kefauddar cannot live outside a prison?

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official): '*Inqilab*' does not mean change. It means Revolution.

**Sardar Sant Singh:** I know more about the meaning of that word than my Honourable friend thinks he knows. How can the Government defend a constitution which can only exist by keeping the saintliest men behind the bars? Can there be anything more indefensible? If Mahatma Gandhi cannot live under a system of administration like the present one, surely it ought to be changed as speedily as possible. The administration wants a gesture from Mahatma Gandhi. How can he consistently and honestly and conscientiously agree to such a ridiculous proposition being

[Sardar Sant Singh.]

put forward in Parliament as well as in this House? There is no sense behind it, there is no rationalism behind it. If Mahatma Gandhi is to come out, surely he should come out on his own terms and not on the terms dictated by the Government. We want a change in the Government. The country is living on the brink of a volcano. The intensity and the immensity of the resentment against the present Administration of the country is growing in volume every day. The situation is getting from bad to worse and those, who are in favour of the present policy, are carrying on as though they are living in a paradise. I can safely say that it does not require much foresight to predict that if the present conditions continue for another five years, there will be a bloody revolution in the country and the history of the country will be written in blood.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Mr. Muhammad Yamin Khan.]

It is Mahatma Gandhi with his policy of non-violence who is maintaining the country under his control. He has taught us what non-violence means, and yet he is behind prison bars. Can there be any defence against it? Can anybody, with his head on his shoulder, say that that policy is sensible? It is not. It is already late in the day to mince matters. We should try to remove this resentment from the country, and that we can only do by enlisting, by seeking, nay, by pleading for the co-operation of these great men who are now behind the bars. Sir, they are the men who control the public opinion. They are the men whose very existence is being defied now in the country. What a pity that the Administration wants to shut them in! What is that? May I know what law and order will be? So long as your sword is naked and shining, you may keep the country and get them to submit to your rules and to your Ordinances, but as soon as the opportunity occurs, you will find the tables turned against you. It is high time, Sir, that in the interests of the people, in the interests of the millions whose lives are at stake, Government should revise their policy. I would appeal to my Honourable friends to support this Resolution and thus see that the real leaders of thought should be amidst us and not be separated from us. With these words, Sir, I support the Resolution.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I support the Resolution of my Honourable friend, Mr. Maswood Ahmad, and I am glad that this more comprehensive Resolution has got its chance to be debated today. We in this House know, Sir, that we are impotent in carrying out our Resolutions to their logical conclusion. All that we are here for is to offer some advice to the Government, and I think it is our duty to tell them plainly what we think of the action of the Government in not releasing our great political leaders,—Mahatma Gandhi, Mufti Kefactullah and other important political prisoners.

Sir, I do not like today to narrate again the old story as to how it was the action of the Government that precipitated the last fight between the Government and the Congress. Even the other day the Honourable the Home Member contended that it was the Congress which really declared the war, but I think political memory is not so short as to forget facts. Sir, Mahatma Gandhi, after his arrival in Bombay, attended a meeting of the Working Committee of the Congress, and some Resolutions were passed; but it was settled that those Resolutions were not to be given

effect to before the Mahatma had a chance to meet His Excellency the Viceroy and to negotiate with him. It was the action of the Government in arresting Pandit Jawahar Lal Nehru and Mr. Sherwani and their refusal to see Mahatma Gandhi that really made it impossible for the Congress to do anything else but to go for civil disobedience. It is no use, however, now to dilate upon old facts; it is admitted, without question, by all men that without the Congress leaders having any chance to freely consider the future constitution and to help the country and to guide it in the matter of the attitude our people should take on the question of acceptance or non-acceptance of the proposed constitution, nothing could really be settled for the whole of India. It is the action of the Government that has also set a premium on the influence of the Congress people. Sir, it is the sufferings of these Congress people, sufferings undergone disinterestedly, for the cause of the country, that have elevated them in the estimation of the public even though their policy may be impracticable and even though the policy that they embark upon may not be really helpful in taking the country onward in its march. Even in these circumstances the people of India care for the opinion of those people who disinterestedly suffer so much for their country. So, I say, it is the action of the Government that really adds to the prestige of the Congress leaders in this country. This has been said even by people who are in the good books of the Government. I was reading the statement of Sir Tej Bahadur Sapru only this morning where he also said that without the release of Mahatma Gandhi, about the prospect of which they had some indication even in England, there is no great chance of a settlement in India; and he apprehends that the difficulty of getting Mahatmaji released is perhaps more in India. It is the Government of India more than the people in England that are putting impediments in the way of the release of Mahatma Gandhi.

Sir, I do not know what is in the mind of the Government of India about demanding from Mahatma Gandhi almost an express undertaking that he will not take to the civil disobedience movement. Sir, if they think that it is ever possible for a man like Mahatma Gandhi, being in jail, not being acquainted with the political situation outside to change his policy, Government are not cognizant of the Congress policy. It has been said on many an occasion that the Congress leaders or Congress members, while in jail, should not give any decision about the political programme. Even if Government expect them to change their attitude, it is only when they come out and may have a chance of studying the present conditions and also the nature of the proposed constitution to be given to India in the near future that there may be some chance of any change in policy. Even if Mahatma Gandhi himself accepts all these conditions and gives an undertaking that, without any other consideration, he would call off the civil disobedience movement, such a proceeding will not be even in the interest of the Government, because any leader who does it will lose his caste and that would be construed only as a means of that particular leader getting out of jail and not for the real interest of his country. From all considerations, then, since Government would now appear determined to change the Constitution, it is advisable from their point of view as well as from that of the people that all the leaders of the Congress and men like Mufti Kefauddin of the Jamiat-ul-Ulema and others should be allowed to come out and get a chance to examine for themselves the present conditions in India and the further question as to what we may expect as the next dose of constitutional reform. If, by our speeches in

[Mr. S. C. Mitra.]

this House, as representatives of the people, Government may care to gauge the public feeling, then we owe it to our constituencies and to the whole country to tell Government explicitly that if they are to carry the people of India with them, the least that they can do is to release Mahatma Gandhi and other Congress leaders and Jamiat-ul-Ulema leaders at once, and then see how the leaders chalk out their future programme. If Government have an impression that they have crushed the Congress, do they also think that they have been able to crush nationalism in India? Or is it their desire that the people of India should not even attempt to have greater freedom for their people? If that be not their object, it is not for even Government to think that a national movement like the Congress movement should be crushed and all national aspirations should be put an end to in this land. My Honourable friend, Mr. Gaya Prasad Singh, tells me, and that is the lesson of history, that nationalism has never been crushed. Individuals may go down, a particular policy may not succeed, but it is well-known that a nation, that is conscious of its own existence, and a nation like the Indian nation, which has its own tradition and history, can never be crushed by legislation or repression. So, I say, that in the best interest of the country, and in the interest of Government, the earliest step that Government should take is to release all these leaders. Sir, I support the Resolution with all my heart.

**Pandit Satyendra Nath Sen** (Presidency Division: Non-Muhammadian Rural): Sir, I rise to support the Resolution and that on many grounds. The first and foremost is that Mr. Gandhi and his followers were imprisoned without any trial which is against the spirit of all civilised law. Sir, I realise Government's difficulty in coping with Mr. Gandhi and his followers under the ordinary law, and it is for this reason that they have put him into prison without going through the formalities of a trial. But, Sir, what could Mr. Gandhi do? He was entirely helpless. The Congress had been continuing a constitutional agitation for over 40 years in the past without any appreciable results, and Mr. Gandhi was goaded to launch the civil disobedience movement as a last resort. And, Sir, it will be admitted that Mr. Gandhi has made penance for himself and, as he is accustomed to do, has made penance for others also. He has practically given up the civil disobedience movement and is now seeking the help of Government, although he was the leader of the non-co-operation movement. Not only that; he now seeks all sorts of indulgence in passing an altogether revolutionary Bill with the assistance of Government. I hope Government will now appreciate his spirit and will forgive and forget. Sir, I should say that Mr. Gandhi should be regarded as the best friend of Government. What Government could not achieve in so many years, he has made them achieve in some days only. It is an admitted fact that "divide and rule" is one of the political expedients from time immemorial and it is also the policy of the present Government. It is with that end in view that they have been setting up class against class and community against community; and it was reserved for Mr. Gandhi to set up the son against his father, brother against brother and even the wife against the husband. So I hope Government will appreciate the services of Mr. Gandhi and will release him forthwith. With these words, I support the Resolution.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 16th February, 1933.

# LEGISLATIVE ASSEMBLY.

*Thursday, 16th February, 1933.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

## MEMBERS SWORN.

Khan Bahadur J. B. Vachha, C.I.E., M.L.A. (Government of India: Nominated Official); and

Mr. C. P. Colvin, O.B.E., M.L.A. (Government of India: Nominated Official).

## STATEMENTS LAID ON THE TABLE.

**The Honourable Sir George Schuster** (Finance Member): Sir, I lay on the table:

(i) the information promised in reply to supplementary questions to starred question No. 1231 asked by Mr. Bhuput Singh on the 16th November, 1932;

(ii) the information promised in reply to starred question No. 150 asked by Mr. B. N. Misra on the 6th February, 1933; and

(iii) the information promised in reply to starred question No. 254 asked by Mr. S. C. Mitra on the 8th February, 1933.

## RETRENCHMENT OF A NUMBER OF INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

\*1231. A recurring annual saving of Rs. 26,000 is anticipated as a result of the amalgamation of the United Provinces and Central Provinces Income-tax Commissioners' charges.

It is not considered desirable to appoint any of the retrenched Income-tax Officers in the United Provinces as Inspectors.

## POSTS OF CLERKS AND ASSISTANT INCOME-TAX OFFICERS IN THE NORTHERN RANGE OF THE MADRAS PRESIDENCY.

\*150. (a) 10 clerks and six Assistant Income-tax Officers.

(b) There is one Oriya Routine clerk in the Income-tax Office, Ganjam, and none in the Vizagapatam office. There is no Oriya Assistant Income-tax Officer in either of these circles.

(c) The proportion of Oriya clerks to Telugu clerks in the Ganjam District is 1 : 4. At Vizagapatam, all the six clerks are Telugus. There are no Oriya Income-tax Officers.

(d) The Oriya-speaking area in the Madras Presidency is very small. There is no Income-tax Circle the language of which is exclusively Oriya. Oriya-speaking areas are found in Vizagapatam and Ganjam Circles, but in the former the dominant language is Telugu and even the Ganjam Circle is only about 50 per cent. Oriya. It is necessary, therefore, that the establishment employed in these Circles should know both Telugu and Oriya, but Telugu is much the more important language, as it is spoken in many other Circles as well. A considerable number of the Telugu-speaking candidates for employment are well acquainted with Oriya, but it is reported that many Oriya-speaking candidates either do not know Telugu or know it imperfectly.

(e) The Commissioner of Income-tax, Madras, is not satisfied that any difficulties really exist. The Income-tax Officer and the temporary Assistant Income-tax Officer in Ganjam know Oriya very well. When suitable Oriya candidates with a good working knowledge of Telugu offer themselves for appointment, their claims will be duly considered.

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#### ALLEGATIONS AGAINST THE INCOME-TAX DEPARTMENT OF CALCUTTA.

\*254. (a) Yes.

(b) The Special Income-tax Officers appointed to assess lower incomes are moving about to make enquiries as is necessary in the discharge of their duties. The peons accompanying them, having been engaged temporarily, are not supplied with uniforms with a view to cut down expenditure as much as possible.

(c) Does not arise.

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**Sir Thomas Ryan** (Director General of Posts and Telegraphs): Sir, I lay on the table:

- (i) the information promised in reply to unstarred question No. 224 asked by Mr. Maswood Ahmad on the 5th December, 1932; and
  - (ii) the information promised in reply to parts (b) and (c) of unstarred question No. 229 asked by Mr. S. C. Mitra on the 12th December, 1932.
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COMMUNAL COMPOSITION OF CERTAIN STAFF OF THE GENERAL POST OFFICE, GENERAL TELEGRAPH OFFICE AND RAILWAY  
MAIL SERVICE, CANNPORE.

224.

Statement.

STATEMENTS LAID ON THE TABLE.

729.

| Cadres                           | (a)                                |          |                    | (b)<br><br>Number of vacancies which occurred under each head since 1927. | (c)<br>No. of Muslims appointed to the vacancies since 1927 under each head. | (d)<br>No. of members of other minority communities appointed to the vacancies since 1927 under each head. | Remarks.   |
|----------------------------------|------------------------------------|----------|--------------------|---|--|--|--|
|                                  | Communal composition of the staff. |          |                    |   |  |  |  |
|                                  | Hindus.                            | Muslims. | Other communities. |   |  |  |  |
| (A) <i>Cannpore G. P. O.</i>     |                                    |          |                    |   |  |  |  |
| (1) Selection Grade Appointment. | 7                                  | 1        | ..                 | 2 (one post abolished and the other kept vacant).                         | ..   | ..   | Appointments to this cadre are made by promotion and not by direct recruitment.  |
| (2) Clerks . . . .               | 97                                 | 11       | ..                 | 11  | 3  | ..   | 20 of these posts were filled by the promotion of senior fit official 19 Hindus and 1 Muslim.  |
| (3) Postmen . . . .              | 107                                | 15       | ..                 | 33 (11 posts abolished).  | 1  | ..   | One of these vacancies was filled by the promotion of a Hindu boy messenger and the rest by direct recruitment. Only 17 vacancies occurred after the issue of the orders regarding communal representation and were filled by 12 Hindus and 5 Muslims. |
| (4) Inferior servants . .        | 52                                 | 9        | ..                 | 28 (3 posts vacant).  | 6  | ..   |  |



Statement—contd.

| Cadres.                                 | (a)<br>Communal composition<br>of the staff. |          |                            | (b)<br>Number of<br>vacancies which<br>occurred under each<br>head since 1927. | (c)<br>No. of Muslims appointed<br>to the vacancies since<br>1927 under each head. | (d)<br>No. of members of other<br>minority communities<br>appointed to the<br>vacancies since<br>1927 under each head. | Remarks.   |
|---|--|----------|----------------------------|--|--|--|--|
|   | Hindus.                                      | Muslims. | Other<br>commu-<br>nities. |  |  |  |  |
| (A) <i>Cawnpore G. P. O.</i><br>—contd. |  |          |                            |  |  |  |  |
| (5) Stamp vendors . . .                 | 4  | ..       | ..                         | ..   | ..   | ..   | 8 sorting postmen whose posts were converted into those of lower division clerks were provided with lower division clerks' designation. Of the remaining 8 posts 3 were filled by the promotion of 4 Hindus and 1 Muslim and 3 by the direct recruitment of 3 Hindu senior ex-approved candidates for upper division clerkships. Orders for the observance of communal proportion in the appointment of ex-approved candidates have now been issued. |
| (6) Lower Grade clerks . . .            | 15   | 1        | ..                         | 16   | 1  | ..   |  |
| (B) <i>Cawnpore G. T. O.</i>            |  |          |                            |  |  |  |  |
| (1) Clerks . . . . .                    | 10   | ..       | ..                         | 4  | ..   | ..   | Recruitment of clerks in Telegraph offices is made on a circle basis and not separately for each office.   |

|                                |    |    |    |                         |    |                                     |    |  |
|--------------------------------|----|----|----|-------------------------|----|-------------------------------------|----|--|
| (2) Delivery peons . . .       | 32 | 7  | .. | 1                       | .. | 1                                   | .. | (a) 2 of these posts were filled by 2 Hindus by promotion. |
| (3) Linemen* . . .             | 55 | 14 | .. | 7 (a)                   | .. | 1                                   | .. |  |
| (4) Line Inspectors* . . .     | 1  | .. | .. | 1                       | .. | ..                                  | .. |  |
| (5) Sub-Inspectors* . . .      | 8  | .. | .. | 5                       | .. | ..                                  | .. | All vacancies filled by promotion.                         |
| (6) Telephone operators* . . . | 2  | .. | .. | ..                      | .. | ..                                  | .. |  |
| (7) Electric Mistries* . . .   | 1  | .. | .. | 1                       | .. | ..                                  | .. |  |
| (8) Boy peons* . . .           | 4  | 2  | .. | ..                      | .. | ..                                  | .. |  |
| (O) Cawnpore R. M. S.          |    |    |    |                         |    |                                     |    |  |
| (1) Sub-Record clerk . . .     | 1  | .. | .. | ..                      | .. | ..                                  | .. | The other vacancy was filled by the promotion of a Hindu.  |
| (2) Head Sorters . . .         | 2  | .. | .. | 2 (one post abolished). | .. | ..                                  | .. |  |
| (3) Sorters . . .              | 24 | .. | .. | 3 (one post abolished). | .. | ..                                  | .. |  |
| (4) Peons (Porters) . . .      | 13 | .. | .. | 6 (one post abolished). | .. | 1 (since transferred to Allahabad). | .. | One of these posts was filled by the promotion of a Hindu. |

N.B.—\*Owing to the redistribution of the jurisdiction of the Cawnpore Engineering sub-division on various occasions prior to 1st April, 1930, correct information prior to that period is not available in respect of these items. Hence the information supplied relates to appointments made since 1st April, 1930.

**OVERTIME ALLOWANCE FOR SORTING OF ENGLISH MAILS IN THE GENERAL POST OFFICE, CALCUTTA.**

229. (b) The inward English Mails are generally received on Saturdays in the Calcutta General Post Office and the Assistant Postmaster in charge draws overtime allowances because he is required to perform extra hours of duty in connection with the disposal of these mails in addition to his ordinary duty hours from 11 A.M. to 6 P.M.

(c) Overtime pay is not denied to the entire clerical staff but only to the auxiliaries drawn from the Correspondence, Accounts and Savings Bank Departments. When the mail reaches Calcutta on Saturday mornings, as is now usually the case, these men are allowed to go home after completing the sorting work and therefore do not perform extra hours of duty and the question of the payment of overtime does not arise. When the mail arrives late on Saturday night or Sunday morning they are required to render only about 4 hours of duty on alternate Sundays and in this respect they are better off than officials in other branches of the Department who have to attend on two Sundays in a month without overtime for a longer period. Work on Sundays is a condition of service in the Posts and Telegraphs Department and officials are not entitled to overtime on this account.

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**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table the information promised in reply to starred question No. 851, asked by Mr. Uppi Sahab Bahadur on the 29th September, 1932.

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**EUROPEANS AND INDIANS IN THE SUPERIOR SERVICES OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.**

\*851. The list of European and Indian Officers recruited since 1925 in permanent vacancies on the Madras and Southern Mahratta Railway with their qualifications is laid on the table. An analysis of this list shows that the Railway has not maintained the proper proportion of recruitment as between Indian and European recruits, and Government are addressing the Madras and Southern Mahratta Railway reminding that Administration of their obligations in regard to recruitment.

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*Statement showing Europeans recruited since 1925 in permanent vacancies on the Madras and Southern Mahratta Railway.*

| Name.                          | Qualifications.         | Date of recruitment. | Remarks.              |
|--------------------------------|-------------------------|----------------------|-----------------------|
| <i>Engineering Department.</i> |                         |                      |                       |
| 1. Mr. W. Cathrow . . .        | A. M. I. C. E. .        | 1st February 1927.   |                       |
| 2. Mr. K. L. Jenkins . . .     | ..                      | 18th September 1926. |                       |
| 3. Mr. J. T. Haines . . .      | Diploma C. E. (Wales).  | Do.                  |                       |
| 4. Mr. G. A. Slator . . .      | ..                      | 16th February 1931.  | Subordinate promoted. |
| 5. Mr. L. T. Buckle . . .      | ..                      | 1st April 1930 .     | Do.                   |
| 6. Mr. H. W. Robinson . .      | B.A. Eng. (Hons.) Oxon. | 24th February 1929.  | On loan.              |

*Statement showing Europeans recruited since 1925 in permanent vacancies on the Madras and Southern Mahratta Railway—contd.*

| Name.  | Qualifications.            | Date of recruitment. | Remarks.  |  |
|--|----------------------------|----------------------|---|--|
| <i>Power and Mechanical.</i>                     |                            |                      |   |  |
| 1. Mr. G. E. Ewing . . .                         | ..                         | 23rd July 1926.      | Subordinate promoted. Do. sanction awaited. Subordinate promoted. |  |
| 2. Mr. G. C. Mills . . .                         | ..                         | 26th November 1926.  |   |  |
| 3. Mr. J. Wallace . . .                          | ..                         | 25th February 1927.  |   |  |
| 4. Mr. J. Bradley . . .                          | ..                         | 15th September 1928. |   |  |
| 5. Mr. G. W. Kyto . . .                          | A. M. I. Mech. E..         | 30th March 1928.     |   |  |
| 6. Mr. G. Kollingly . . .                        | ..                         | 1st April 1928 .     |   |  |
| 7. Mr. G. F. Williams . . .                      | ..                         | 29th August 1932.    |   |  |
| 8. Mr. R. K. Watson . . .                        | ..                         | 1st March 1932.      |   |  |
| <i>Transportation (Traffic).</i>                 |                            |                      |   |  |
| 1. Mr. J. G. Fawcett . . .                       | ..                         | 21st January 1927.   |   |  |
| 2. Mr. T. Stephenson . . .                       | ..                         | 8th January 1926.    |   |  |
| 3. Mr. H. M. Gordon . . .                        | ..                         | 20th March 1931.     |   |  |
| 4. Mr. A. L. E. Hooper . . .                     | ..                         | 11th January 1930.   |   |  |
| 5. Mr. Edward Lee . . .                          | ..                         | 7th December 1928.   |   |  |
| <i>Agency.</i>                                   |                            |                      |   |  |
| 1. Lt.-Col. R. H. Stallard, O.B.E., R.E. (Retd.) | ..                         | 2nd April 1929.      |   |  |
| <i>Stores Department.</i>                        |                            |                      |   |  |
| 1. Mr. C. H. Turner . . .                        | ..                         | 31st December 1926.  |   |  |
| 2. Mr. C. A. Campbell . . .                      | ..                         | 6th January 1928.    |   |  |
| 3. Mr. L. D. Robson . . .                        | ..                         | 25th May 1928.       |   |  |
| <i>Medical Department.</i>                       |                            |                      |   |  |
| 1. Dr. J. Fryor . . .                            | M. B., Ch. B.              | 7th September 1928.  |   |  |
| 2. Dr. H. B. Martin . . .                        | ..                         | 17th September 1932. |   |  |
| <i>Electrical Department.</i>                    |                            |                      |   |  |
| 1. Mr. William de Bruyn . . .                    | ..                         | 20th May 1927.       |   |  |
| 2. Mr. R. T. Park . . .                          | ..                         | 15th June 1929.      |   |  |
| 3. Mr. J. C. Penny . . .                         | ..                         | 11th March 1927.     |   |  |
| <i>Audit Department.</i>                         |                            |                      |   |  |
| 1. Mr. W. Jolly . . .                            | M. A. (Aberdeen), A. C. A. | 4th April 1930.      |   |  |

## RAILWAY BUDGET FOR 1933-34.

**The Honourable Sir Joseph Shore** (Member for Commerce and Railways) : Sir, the first Railway Budget which it has fallen to my lot to present to this House unfortunately covers a period of economic depression, unexampled within recent times in the severity and extent of its incidence. That the Railway estimates should reflect that depression is of course inevitable. But there are legitimate grounds for hope that we have at last touched rock bottom and that though recovery may yet be delayed, we have in all probability experienced the worst. On that assumption, we have built our estimates.

2. It is usual to preface the statement on the estimates of the year by a mention of any important changes that may have been made in the form of the Demands placed in the hands of Honourable Members. Two such have been made in the structure of our Demands for Grants on the advice of the Public Accounts Committee, and with the approval of the Standing Finance Committee for Railways. The first is the amalgamation of the Demands for strategic lines and commercial lines. The present system of having separate demands has not been found conducive to efficient control of expenditure. Strategic lines are administered as an integral part of the North Western Railway system, the expenditure on the whole of which is initially booked in one set of accounts. Only a small portion of this expenditure can be directly allocated to strategic lines ; the major part being distributed between strategic railways and the commercial railways forming part of the total system proportionately according to certain formulæ. The Public Accounts Committee recommended that separate Demands for Grants for strategic lines should be done away with, but that information about the results of the working of strategic lines should be given in a separate appendix to the Book of Demands. We have adopted both these recommendations. The other change of importance is that we are showing in one Demand the total expenditure on open line works, whether the expenditure is technically met from the Depreciation Fund or charged to Capital. The past practice was originally adopted in order to emphasise the different sources from which funds were obtained. In so far as it was adopted for the purpose of controlling expenditure, the practice has, however, proved entirely ineffective, because the expenditure from the Depreciation Fund being a fixed amount, *viz.*, the original cost of the asset replaced, cannot be controlled separately. The system of having separate Grants has resulted on many railways in necessary adjustments between Capital and Depreciation Fund being postponed for fear of exceeding the Grant. Here too the Public Accounts Committee and the Standing Finance Committee for Railways were unanimous in recommending the change. The information available to the House in respect of these works will not, however, be reduced in any way ; as in the combined demand the expenditure charged to capital will be shown separately from the expenditure met from the Depreciation Fund. Demand No. 10 will henceforth be utilised only to record temporary withdrawals from the Depreciation Fund, and I trust the occasion on which we shall have to use it will be rare. A third change of less importance is the addition of a new Demand for interest charges. Hitherto, interest charges have not found a place in the Demands for Grants, because the total expenditure was non-voted. From 1933-34 it has been decided that railway revenues should bear a share of the total cost of the management of specific railway debt proportionate to the railway debentures or loans appropriated for specific railway purposes. Hitherto this had been merged in the total expenditure on management of debt in England and met from general revenues in full. Similar charges in respect of debt not specifically incurred on behalf

of railways are already being met from railway revenues as the rate of interest charged takes these charges into account. This amount is votable and a Demand will consequently be placed before you for the small amount of just under 3 lakhs involved in this change. We have also made minor changes in the appendices to the memorandum on the railway budget which I shall leave Honourable Members to discover for themselves ; I need only say that they have been made in order to increase the information available to this House.

Honourable Members will no doubt notice, and, I hope approve, the change in the size of the pamphlets placed before them. The Pink Books, which used formerly to be of foolscap size, have now become octavo. The change combines economy with convenience.

3. May I venture, though probably it has by now become unnecessary to do so, to remind Hon'ble Members that when notices of motions for reductions in Demands are given it would be convenient if, following the usual practice, they would indicate briefly the questions which they intend to raise ? It lightens the task of Government Members, who have to reply to these points and at the same time enables them to give fuller information to the House than would otherwise be possible.

#### *Financial Results of 1931-32.*

4. Before I proceed to deal with the anticipated results of this year and the next, which primarily concern us at present, it will probably help to a better understanding of the general financial position, if I first deal briefly with last year's results. These did not differ materially from the revised estimate framed this time last year, but whatever difference there was was fortunately on the right side. The loss in the working of commercial lines turned out to be  $7\frac{1}{2}$  crores, or a quarter of a crore less than anticipated, and that on strategic lines just under 2 crores. The total loss of  $9\frac{1}{2}$  crores was met to the extent of just under 5 crores by the withdrawal of the uninvested balance of our reserve fund and the remainder  $4\frac{1}{2}$  crores, was taken as a temporary loan from the Depreciation Fund.

#### *Revised Estimate for 1932-33.*

5. In dealing with the estimates for 1932-33 and 1933-34, I propose to follow the recommendations of the Public Accounts Committee and deal with commercial and strategic lines together. The results of the latter are more or less constant, being a loss of very near 2 crores a year and do not therefore affect comparisons to any considerable extent. Though the budget for 1932-33 was not framed on any optimistic basis and anticipated a total deficit of  $7\frac{1}{2}$  crores, of which  $5\frac{1}{2}$  crores was on commercial lines, our present anticipations are that the results will be  $1\frac{3}{4}$  crores worse. The deterioration is entirely due to a further fall in earnings. The assumption that the volume of traffic obtained last year would not diminish has unhappily been falsified. A temporary recovery which continued through many weeks raised hopes that our budget estimate might be reached, or even exceeded, but later events proved that our hopes were premature. The position grew rapidly worse, and our present estimate of traffic receipts is  $2\frac{1}{4}$  crores below our budget figures. Allowing for the difference of classification of credits from materials returned from works not charged to revenue, we expect to fall about a crore and a third below last year's figures.

[Sir Joseph Bhore.]

Our working expenses, on the other hand, are not expected to vary greatly from our budget estimate. Though our estimate of the savings from the emergency deductions from pay has been found to have been too high by very nearly half a crore, most of the consequent increase in our expenditure is likely to be met by reductions under other heads, particularly in the cost of fuel. Our interest charges, moreover, are less by about three quarters of a crore owing to the fall in the rates of interest, and our total loss on all lines including 2 crores on account of strategic lines, is now expected to be 9½ crores, a figure only slightly above the loss of last year. This sum we have to withdraw from the Depreciation Fund. The balance at the credit of that Fund, which was nearly 15 crores at the beginning of the year and which will be increased by about 8 crores owing to the net accretion due to the surplus of our payments into the Fund over withdrawals from it to meet current replacements and renewals, will in consequence be reduced to 13½ crores.

*Budget Estimate for 1933-34.*

6. For the year 1933-34 we estimate that our total traffic receipts will be 88½ crores and our total working expenses, including depreciation, just over 63 crores. Net traffic receipts will thus amount to nearly 25½ crores. Our other receipts are diminishing as a result of the gradual reduction of our balances in the Depreciation Fund and will be practically counterbalanced by our miscellaneous charges. Taking all these into account, we calculate that our net revenue will be insufficient to meet our interest charges by about 7½ crores. This deficit (of which 5¼ crores is in respect of commercial lines) has again to be found by a temporary loan from the Depreciation Fund, which will stand at the end of 1933-34 at 13½ crores.

In the hope that we have plumbed the lowest depths of the present period of economic depression and we may anticipate a slight recovery, we are placing our estimate of traffic earnings about 1¼ crores or barely 2 per cent. above the current year's figures. This is practically what was actually received in 1931-32, and in view of the fact that during 1933-34 our rates of freight and fares will be at an appreciably higher level than they were during the greater part of 1931-32, I do not think that these estimates can be considered as unduly optimistic.

We estimate our working expenses next year at 25 lakhs higher than in the current year. The reduction by a half of the emergency cut in pay, after allowing for the fact that we shall no longer have to pay to the Income-tax Department the compensation we paid this year in respect of the exemption of railway staff from payment of the additional taxation imposed in November 1931, is responsible for a difference of 67 lakhs. Our estimates allow, however, for a reduction of other expenditure amounting to 42 lakhs, of which more than half is in our fuel bill. We have had to provide for a certain amount of additional expenditure on repairs and maintenance in order to maintain our existing assets in good repair, but we hope that our other operating expenses classified under the heads Administration and Operation will show a substantial decrease. Both during the current and in the past year the gratuities payable have been abnormally high owing to the large number of discharges that we had to effect. The result of these discharges on the cost of staff will be fully reflected in the expenditure for the next year, and we have assumed that the decrease due to this cause will be at least sufficient to counterbalance the normal increase in expenditure caused by the annual

increments earned by the staff. This reduction in expenditure during 1933-34 can, however, only be secured by the exercise of the most rigid control, and railway administrations will have to see that no relaxation of the economy campaign is permitted.

7. In laying these estimates before the House, I would only say that if they produce at first a depressing reaction, a more careful and detailed appreciation of the figures which are available to Honourable Members will, I am sure, result in the more comforting conclusion that, considering the conditions under which our railways are now operating, their financial position, as disclosed by these figures, is one of considerable strength and undeniable soundness. While we remember that during the two years 1930-31 and 1931-32 the deficits of Indian Railways have amounted to over 14 crores and that the estimated deficits of the next two years bring up the total to over 31 crores, let us not forget at the same time that during the first six years of this decade they earned a total surplus of over 52 crores and that the net result of these ten years after the separation of railway finances from general finances will thus be a total surplus of 21 crores. Like other railways all the world over, Indian railways are for the moment passing through a period of almost unprecedented difficulty due largely to world causes. They have suffered considerably from causes which are common to all railways, but they are not the only sufferers nor indeed the worst sufferers. A careful analysis of our position will, I think, reveal the fact that there is nothing radically wrong in it. Our net traffic receipts at present amount to about 24 or 25 crores. This means that on their capital of about 800 crores Indian Railways are still earning more than 3 per cent., which is what few other railways in the world are today in a position to do. Nor must we forget the fact that this figure of net traffic receipts is arrived at after providing for the full calculated depreciation on our assets, and that the amount paid into the depreciation reserve fund is at the present moment about 8 crores higher than the amount required during the year to meet that portion of our expenditure on renewals and replacements which the fund is expected to meet. If, instead of taking the calculated amount of depreciation, we were to take only the actual amounts required to be drawn in cash from the fund during the current year, our net traffic receipts would have amounted to 32 crores. This would have given a return of 4 per cent. on the capital invested, and our total deficits during the two years, taking both commercial and strategic lines together, would have been reduced to barely a crore. Taking commercial lines alone, we should have had profits of over 2 crores. I doubt whether any railway in the world of a comparable character could at the moment show such results.

8. I turn next to a few matters of interest which I think are of sufficient importance to merit specific mention.

First, let me advert to the subject of our new Capital expenditure during the coming year. Our capital programme for 1933-34 is a very attenuated one. Apart from the completion of our existing commitments, it provides only for bare essentials. No new lines are to be undertaken, the amount of 32 lakhs provided for new construction being only for the purpose of completing lines already begun. The total amount we expect to require for all expenditure on works not charged to revenue is 9½ crores in cash after allowing for a reduction of about 1½ crores in stores balances. Apart from the strengthening of a few bridges which we have had to undertake, the only important expenditure of any magnitude is on the purchase of a number of wagons in replacement of those which have passed their normal lives and are proving uneconomic to maintain. We are providing for the purchase of 2,500 wagons at a cost of about 90 lakhs. While this



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is expected to reduce our cost of maintenance of wagons, it will afford assistance to the Indian wagon building industry at a time when orders are badly needed. I should like here to refer in passing to the suggestions that have been made from many quarters that Government should take the opportunity presented by the present comparatively low rates of interest and low prices of material, to embark on a larger programme of railway construction and development. It is undoubtedly true that the fall in the rate of interest has made certain projects which we had to lay aside as unremunerative in recent years more attractive. At the same time, it must not be forgotten that the question of the remunerativeness of new constructions will now have to be examined afresh with reference to the rival claims and possibilities of road transport much more carefully than in the past. It is, for instance, a question for careful consideration whether the facilities sought to be provided by short branch line extensions of, or feeders to, existing lines, to which a good deal of attention has been paid in India in the past, cannot be more profitably supplied as part of a co-ordinated scheme of road development. An era of cheaper money would certainly necessitate our re-examining with care and attention many schemes which would have resulted in a reduction in maintenance or operating costs, but have had to be laid aside because they were not considered remunerative when higher rates of interest prevailed. All these investigations and examinations will take some time and cannot affect the next year's budget. They will, however, receive our careful consideration, and the House may rest assured that when we come to the conclusion that it is wise and in the interests of railways and the country at large to undertake capital outlay of any sort on railway construction and development, we shall not hesitate to take the earliest opportunity of laying such proposals before you or the Standing Finance Committee for Railways.

9. There have not been wanting critics of our Depreciation Fund procedure who have suggested that one of the ways in which we could secure relief for the railway budget at this juncture is by reducing our contributions to the Depreciation Fund and that our present contributions are not only unnecessarily high but are unduly embarrassing in our present financial circumstances. These criticisms cannot be lightly brushed aside. In the ten years since the inception of the fund, i.e., during the decade 1924-25 to 1933-34, the amounts paid into the fund aggregate 122 crores, while the amounts required to be withdrawn from the fund under its rules as representing the original cost of unit assets renewed or replaced total 87 crores. Had circumstances not compelled us to take temporary loans from the fund, the balance at the end of 1933-34 would amount to about 35 crores.

The railway depreciation fund is built up by annual contributions representing roughly the value of the various classes of wasting assets included in our railway property divided by their assumed lives, different lives being assigned on basis of the past experience to each class. Such contributions are continued throughout the whole period of the assumed life of each asset, irrespective of when it is actually retired or replaced. The original cost of the asset is withdrawn from the fund when it is actually retired or replaced. Ordinarily it is to be expected that, in an expanding concern like Indian Railways, the withdrawals from a fund of this nature under present circumstances will be considerably less than the contributions to it; for the latter depend on the assets existing at present whereas the former depend on the assets in existence a number of years ago which are due for renewal or replacement at the present moment. For instance, the contribution in

respect of wagons depends on the number and value of wagons in existence now, whereas the actual replacements are proportionate to the stock of wagons as it was some 40 years ago—this being their estimated normal life—and is based on the cost at that time. Again, we have been, of recent years, replacing assets bought when prices were comparatively low and paying contributions on assets bought at higher prices. Finally, Indian Railways are still comparatively young; many of our assets have still a long useful life and their turn to be renewed or replaced has not yet come. On the other hand, it has to be remembered that no provision was made at the inception of the fund for arrears of depreciation while money has been withdrawn to meet the cost of all renewals, and we had a comparatively ambitious programme of works in the years immediately following the institution of the fund. Premature renewals have also been effected to a certain extent. Taking all factors into consideration, however, the size of the fund gives cause for serious reflection. It is not surprising to find that the view is held in some quarters that the assumed lives of the assets on which the contribution is calculated are too low and that therefore the annual contribution is excessive. This was considered by the Railway Retrenchment Sub-Committee who thought that it was probably desirable to have a special enquiry into the assumed lives of assets on railways on the basis of past experience but were unable to recommend any arbitrary variation apart from such an enquiry which they suggested should be left to experts. They drew attention to the fact that the contributions do not take into account obsolescence and that they aimed at providing at the end of the assumed lives only the original value of the asset and not the actual cost of replacement. I am not sure that we have at present enough data at our disposal to arrive at an authoritative conclusion on this question, though comparative figures which I have seen in respect of one of the largest English railways do not appear *prima facie* to support the suggestion that the lives assumed for the various classes of assets of Indian railways are unduly low.

On the other hand, it is possible to argue that the Depreciation Fund is really a Reserve Fund under another name, that, whatever may be the amount required theoretically to be put by, such considerations can apply only to normal times, and that it is doubtful whether a commercial concern in similar circumstances would provide as a matter of course for the full calculated depreciation in times of abnormal financial strain like the present. As I have already pointed out, our deficits for the two years 1932-33 and 1933-34 amounting to 17 crores are counterbalanced by allotments to the depreciation reserve fund in addition to actual requirements, to the extent of 16 crores. If we take commercial lines alone, the position is that the additional allotments amount to 15½ crores against our deficits of slightly over 13 crores. This is obviously a question which calls for careful examination.

Apart altogether from these financial considerations, it has been pointed out that the present procedure in connection with the Depreciation Fund is far too complicated and can, with advantage, be replaced by a simpler method. The Auditor-General has recently drawn attention to this in his comments on the Appropriation Report of Railways where he says :

"It has also been suggested to me that it is questionable whether the maintenance of elaborate accounts in the present form really serves any essential purpose and that it would be more economical and might be as effective to maintain a general renewals fund built up by percentage contributions on the capital at charge."

All these questions deserve careful and detailed examination, and it is our intention to have the whole of the arrangements connected with the Depreciation Fund investigated thoroughly during the coming year. In this connection, we have also to consider the point raised by the Public Accounts

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Committee this year, that it is desirable to have an early settlement of the permanent basis on which works expenditure should be charged to capital, to the Depreciation Fund, and to revenue. It is obviously desirable that the question of withdrawals from the Depreciation Fund should be considered along with the method of contributions to it. I have thought it desirable to refer to this matter at some length because of its intimate bearing on our financial position, but I cannot of course express any, even tentative, views in advance of the full examination that we propose to institute.

10. We have applied the decision arrived at in regard to cuts in the pay of the Administrative Services to the personnel of the Railways. During the coming year, therefore, Railway Staff will be subjected to half the cut imposed on them during the current year, but this will be accompanied by the withdrawal of income and super-tax privileges. The financial result will be a reduction in the savings in the coming year from about 176 lakhs net, after allowing for payments of compensation to the Income-tax Department, to 103 lakhs, while the combination of half the existing cut with the loss of the income-tax privileges will in effect secure, speaking generally, a graduated scale of salary deductions. It may be the subject of some criticism that we should have thought of giving any relief to Railway employees while our budget still showed a deficit judged according to present accounting methods and arrangements. The reply is that the maintenance of the existing deductions in the case of Railway servants while half the cut was remitted in the case of the General Administrative Services would have resulted in such markedly differential treatment as could hardly have been justified by the anticipated financial results for the coming year. Railway servants of the lowest grades, in consequence of their service in a commercial department, have hitherto been called upon to submit to deductions from which comparable categories in the general services were exempted. They must still unfortunately continue to bear a burden, though a lightened burden in view of economic conditions, but the arrangements proposed for the current year will shift to some extent the general incidence of that burden. This partial relief to Railway employees must not be construed as indicative of any slackening in our efforts after economy.

11. Honourable Members are already cognisant of the fact that Mr. Pope who has had special experience of this sort of work on the London, Midland and Scottish Railway is conducting an examination of the possibilities of securing further economies on our Railways. The subject of his special examination is the Great Indian Peninsula Railway, and with him are associated officers from other Railways, so that the methods adopted and the lines followed in this particular investigation may be applied to other Railways. His review will, it is hoped, be ready very shortly, and if, as a result, arrangements promising immediate economies and capable of immediate adoption are possible, no time will be allowed to elapse before we adopt them. In any case, we expect that the most fruitful lines of further enquiry will be indicated, and these will be pursued in the coming months. In this way we hope to achieve a twofold object, firstly, the discovery of further means of economy, and secondly, the preparation on uniform lines for all the railways of a body of accurate figures and information as to the costs of various services and as to the methods of working, which will not only enable us to check up and compare the economy efforts made on the different systems throughout India, but will also provide the data on which the expert Committee, which we still hope to get out next winter, will be able to work.

12. We have unfortunately sustained serious losses in personnel during the year. It is with deep regret that I have to refer to the loss the Railway Rates Advisory Committee has sustained in the death of its Chairman, Sir Narasimha Sarma, and I would like to add a personal tribute of regard and respect to the memory of one who was once my official chief. The Railway Board has also recently lost, through retirement, its senior Member, Mr. Hayman, who will long be remembered for his untiring energy and extraordinary capacity for work. In conclusion, I would wish to acknowledge the loyalty and assistance I have received from all those connected with the administration of the railways with whom I have had to work. Nor must I in this acknowledgment forget those on whom rests the immediate responsibility for the day to day running of the great machine who have had a specially difficult burden to bear. (Loud Applause.)

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#### STATEMENT OF BUSINESS.

**The Honourable Sir Brojendra Mitter** (Leader of the House): Mr. Deputy President, my statement of Government business for next week is very short. The available time will all be taken up by the Railway Budget. The General Discussion will be on Monday, and the Voting of Demands on Tuesday, Thursday, Friday and Saturday. Wednesday is a holiday.

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#### THE WHEAT IMPORT DUTY (EXTENDING) BILL.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill to extend the operation of the Wheat (Import Duty) Act, 1931.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That leave be given to introduce a Bill to extend the operation of the Wheat (Import Duty) Act, 1931."

The motion was adopted.

**The Honourable Sir Joseph Bhore:** Sir, I introduce the Bill.

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#### THE INDIAN INCOME-TAX (AMENDMENT) BILL.

##### (AMENDMENT OF SECTION 4.)

**The Honourable Sir George Schuster** (Finance Member): Sir, I beg to move:

"That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose (*amendment of section 4*), be referred to a Select Committee consisting of the Honourable the Law Member, Raja Sir Vasudeva Rajah, Pandit Satyendra Nath Sen, Sir Hari Singh Gour, Sir Cowasji Jehangir, Mr. Muhammad Azhar Ali, Mr. B. V. Jadhav, Mr. R. T. H. Mackenzie, Kunwar Raghbir Singh, Mr. N. N. Anklesaria, Sir Muhammad Yakub, Khan Bahadur J. B. Vachha and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Sir George Schuster].

Sir, in moving this motion and in asking the House further to consider this Bill, I am treading once again on very well known ground. The memory of the earlier Bill, which was discussed in this Assembly a year ago, will be fresh in the minds of all Honourable Members. That, as all Honourable Members will recollect, was a more ambitious measure. It aimed at altering the whole basis of taxation, so that a man resident in India would have to pay tax on the whole of his income wherever it was earned and wherever it was received. The House, after long consideration by a majority decided that that Bill should not go to a Select Committee. I think, if I may say so, that the House or the majority of the House made a profound mistake in that opinion and I venture to prophesy, that when a new Government of India in a Federal India has taken over the charge of affairs, it will not be very long before a responsible Finance Minister looks up the records of this wicked official Government and finds in that attempt of ours some virtue which he will try to imitate and gain credit for. But, Sir, the House took a decision and it would of course be useless for me to come again so early to ask it to reverse that decision. Nevertheless, the position which exists at present is so anomalous and inequitable that I have ventured to ask the House to consider now a much more modest measure, but one which will, we hope remove at least the worst of the existing inequalities and anomalies.

The present measure is a very simple one. At present, as all Honourable Members know, of income, which accrues or is earned abroad, the only class of income which can be subjected to deductions of Indian income-tax is income earned in the form of business profits which is remitted to this country within three years from the date when it was earned. The present Bill seeks to extend that principle to cover all income including income from investments and to withdraw the period of three years limitation. I do not think that there is anybody in this House who can quarrel with the principle that income earned on investments should be treated in the same way as business profits or who would attempt to justify the fact that, if a man living in India seeks to invest his money in foreign investments and if he brings that income back to this country, he should then be treated differently to his more patriotic confrere who has invested his money in Indian rupee securities. I hope that there will be no difference of opinion in this House on the principle that if income of that kind is not received within a period of three years, it ought, therefore, to be exempt. I would ask the House and, I do not wish now to take any long time in dealing with the merits of the measure, just to consider the simple issue which is involved in that particular amendment. It means this, that if the three year limitation is retained, then the rich man, the man who can afford to allow part of his income to accumulate, who does not want it to meet his daily expenditure, is put into a privileged position as compared with a poorer man who has to use the income which he earns from investments to meet the cost of daily living. I can conceive of no justification for making any such distinction. That, Sir, is the very simple object of the Bill. We had originally intended, seeing that the measure is of so simple a nature, to move for consideration and passing at once, but, on a further examination of the issues, I was impressed by the fact that, although the Bill is simple in form, there may be a great many complications in connection with its operation, and I felt that it was desirable that there should be an opportunity for discussion in Select Committee

of all the practical points and difficulties which might arise. Therefore, I am only moving now for reference of the Bill to a Select Committee.

I have only one more thing to say in conclusion and it is this. We cannot and we have never been able, in connection with measures of this kind to give any accurate estimate of the revenue which would be produced. Nevertheless, from careful inquiries from the Income-tax Commissioners we think that even from this modest measure quite an appreciable revenue might result. If that is the case, and I hope it will be the case, I want to ask the House to consider that possibility in the following way. In asking now for a measure which might increase our revenue, we are not seeking to put additional burdens on the tax-payers of this country. I would ask Honourable Members to regard the possibility of additional revenue rather as a possibility of finding a means in this way of producing revenue which would replace revenue which is now derived from other sources. This measure should be regarded as one which, if it succeeds, will result in a more equitable distribution of the burdens of taxation and not an increase in those burdens. I think that I have now sufficiently explained the measure to the House and our reasons in moving it.

If the House follows this procedure and passes this Bill, we shall, in effect, be embarking on a course very similar to that which has been followed by the British Government as regards the taxation of foreign income. The British law, Sir, formerly was very similar to that which would become our law if this measure was passed. Up till, I think, 1915, income earned on foreign investments in the United Kingdom was only taxed if remitted to the country. After that, they found it necessary to increase the scope of their measures for getting at foreign income and to adopt measures very similar to those which were provided for in the larger Bill which this House rejected last year. If I may return to what I said at the beginning, I think this may be the first step on the same road which the British Government has travelled. Sir, I move.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose (*amendment of section 4*), be referred to a Select Committee consisting of the Honourable the Law Member, Raja Sir Vasudeva Rajah, Pandit Satyendra Nath Sen, Sir Hari Singh Gour, Sir Cowasji Jehangir, Mr. Muhammad Azhar Ali, Mr. P. V. Jadhav, Mr. R. T. H. Mackenzie, Kunwar Raghubir Singh, Mr. N. N. Anklesaria, Sir Muhammad Yakub, Khan Bahadur J. B. Vachha and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): Mr. Deputy President, I do not think any very useful purpose will be served by trying to prophesy as to what is going to happen in the dim future. We have indulged in that sort of thing outside the House and I think it would satisfy us if we could consider this Bill as it stands and under present conditions. "Sufficient unto the day and the evil thereof." Mr. Deputy President, when the Honourable the Finance Member regretted the action taken by this Honourable House on the very unjust and, I may say, extravagant measure that he placed before us a year ago, I on my part not only congratulated this House, but most definitely state that this House showed a greater sense of justice and a greater sense of common sense than the Honourable the Finance Member on that

[Sir Cowasji Jehangir.]

occasion. I do not wish to indulge in any further criticism on this occasion, but when the Honourable the Finance Member talked of past history, I regret he did not complete his story. Sir, this Bill, under certain conditions, would be taxing capital, and not income. Sir, the Income-tax Act was never intended to tax capital; and if the Honourable the Finance Member means that a future House will tax capital . . . .

**Mr. H. P. Mody** (Bombay Millowners' Association: Indian Commerce): There is no chance of that.

**Sir Cowasji Jehangir:** . . . . well, then, why not go straightaway to communist principles and say that the future House will be right in adopting principles which will have the effect of depriving us not only of our hard-earned incomes, but of our capital. The history of this Bill is not so simple. It does not go back merely to last year. The Honourable the Finance Member did not inform this House that this proposal had been placed before this House in 1922. Sir, it was included in the Bill that became the Act of 1922. When it went to a Select Committee, it was summarily rejected and that rejection was accepted by the Finance Member, and I will read out to you what the Select Committee said on a provision in the Bill which was intended to have the same effect. This is what the Select Committee said:

"We agree with the criticisms brought against the provisions of the clause that it goes much further than the object aimed at in the Statement of Objects and Reasons and, in particular, that it makes no distinction between capital and income. We have, therefore, amended the sub-clause in order to restrict its application to the case of business profits or gains which are received or brought into British India within three years of the year in which they arose or accrued in a place outside British India to a person resident in British India when they arose or accrued."

Mr. Deputy President, the Select Committee in 1922 rejected a clause in the Bill which was intended to have the same effect as one of the clauses in this Bill. Now, this Bill, in short, means that if there are any incomes from investments or business profits accruing outside India, you cannot bring the income from that business or those investments into India at any time without being submitted to income-tax. I will give you an illustration. Suppose you have an income of £1,000 a year outside British India and it accumulates for some years and it becomes £12,000. Now the whole of that £12,000 will be liable to income-tax when you bring it into India at any time after it has accrued, even 20 years after, and, therefore, income or savings from income can never become capital under this Bill. That is in short the effect of this Bill and I am going to appeal to this Honourable House whether that is a fair state of affairs. Now I admit that income brought into this country should be taxed, but to prevent a man converting his savings into capital is not a principle I would ever admit or that I trust this House would ever admit. Look at the unfairness of it. If you brought the income into this country in each year in which it accrued, you would have to pay super-tax on anything above Rs. 30,000, but if it went on accumulating for five or six years and then you brought it into India, then you would be liable to super-tax on the whole of it,—only being excused for the first Rs. 30,000. I say, Sir, that this is not an Income-tax Bill: it is a levy on capital.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Why don't you invest your money there in England?

**Sir Cowasji Jehangir:** Mr. Deputy President, I do not desire to go into any further details of this Bill as it is going to a Select Committee. I am quite prepared to discuss it there, and I can only express the hope that the Honourable the Finance Member will see our point of view and will allow such amendments to the Bill as will, in our humble opinion, be quite fair both to the individual and to the State.

There are many other points in this Bill which I could have brought to the attention of this Honourable House if it had not been going to Select Committee. But when I agree to serve on the Select Committee and advise this House to allow it to go to Select Committee, I trust the Honourable the Finance Member will not state that there is any question of principle involved when we come to suggest amendments to the Bill. There are only two clauses in the Bill and I take it for granted that it will be open to us to move any amendment which may have any effect and that no question of order will be raised that it involves a principle in the Bill.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, in view of the fact that this Bill goes to the Select Committee, I do not oppose it *in toto*, but I strongly protest against it for this reason. My Honourable friend, Sir Cowasji Jehangir, was talking about investments; my objection is regarding agricultural income that accrues to a person outside British India, for instance in the Native States. Now, Sir, you have got some land, say, in some Native State. There you have got to pay the taxes including the land tax, and then what remains—after paying their taxes and after meeting the cultivation and other expenses, after meeting the numerous demands that are made upon the agriculturist,—there is a small margin left; and if you keep it there for some time, as Sir Cowasji said, for eight or ten years until it goes up to an appreciable amount, and then bring the amount to British India, then the tax-gatherer pounces upon it and says you must pay income-tax. That is very unfair. The first and the most important principle upon which income-tax legislation is framed is that you should not tax agricultural income, simply because agriculture pays the land tax which is the largest item of Government revenue in this country.

Now, Sir, in the case that I have put before you, the position that you are reduced to is that you have got to pay the tax twice over for the sin of your owning land outside British India. That, Sir, is the position that I brought to the notice of the Honourable the Finance Member when the Bill was moved last year and he was good enough to say that the matter could be arranged somehow or other. What I mean to say is that the Bill, as framed, purports to tax any income from a foreign source, and my agricultural income is from a foreign source, because the Indian State is not in British India. When it comes here, it is liable to be taxed again; having been taxed once at source, it is again taxed here when it is received. It is a double source of tax on the same income, and, I say, that it is unfair, unjust and unreasonable. That, Sir, is the reason why I say that I strongly protest against this Bill and join my appeal with Sir Cowasji Jehangir that this question may be considered in the Select Committee without regard to the technical question whether it is a question of principle or detail, and that due provision should be made for a complete exemption of the



[Raja Bahadur G. Krishnamachariar.]

income derived from agriculture from a foreign source. That, Sir, is my objection to this Bill, and I hope the Select Committee will take note of it when the time comes.

**Mr. Amar Nath Dutt** (Burdwan Division: Non-Muhammadan Rural): Sir, I must congratulate the Honourable the Finance Member on the very little opposition that this small Bill has evoked this time. We know the volume of opposition that it evoked last time, but today even my Honourable friends, Sir Cowasji Jehangir and Raja Bahadur Krishnamachariar, are, I find, both willing to go to the Select Committee. That is a matter of congratulation to the Finance Member by those who at that time supported him in a measure like this. Sir, I believe that even if we had not sent the Bill to the Select Committee and if we had considered it here, we could have disposed of it, if so minded, in 15 minutes. But, probably, in order to soften the opposition and to hear the opposite side as much as possible, the Honourable the Finance Member has thought fit to ask that it should go to Select Committee. Sir, I could not exactly follow the line of argument of Sir Cowasji Jehangir when he said that there is a communist principle behind it. We are all afraid of communism, whether we are possessed of crores or thousands only, and I think all these things need not have been introduced in the argument and a qualified support given to the motion for Select Committee. It has been said that we are taxing capital. I have looked at the provisions of the Bill and I have also heard the arguments of the Honourable Member whom I referred to just now and I could not find that we are taxing capital at all. However I support the motion for Select Committee, and I hope there will be no such opposition as there was last time.

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, I wish to associate myself with what has fallen from my Honourable friend, Raja Bahadur Krishnamachariar. In the Statement of Objects and Reasons we find it stated:

"It is, therefore, proposed to amend the section in question so as to render all foreign income of a resident in British India from whatever source derived, liable to income-tax in British India, whenever it is received in or brought into British India."

The words are "from whatever source derived". Evidently agriculture incomes are also included. Mr. Deputy President, you must be aware that people living in Malabar have their lands in the adjoining State of Cochin, and, similarly, the people of Cochin also have their lands in British Malabar. They depend upon the income from the land for their very subsistence. Sir, these people have got to pay their land tax in the State and if they are assessed to income-tax also, they will have to pay a double tax. Already, they find it very difficult to pay their land tax on account of the very low prices of commodities, and, if this Bill is passed into law, it will be very difficult for them to get on. I feel I must, therefore, oppose this Bill. If, however, Government are prepared to exclude agricultural income, I shall consider whether I can give my support to it.

**Mr. Abdul Matin Chaudhury** (Assam: Muhammadan): Sir, I want to say just two words in support of this motion. Sir Cowasji Jehangir says, it is a tax on capital, a capital levy. If it is a tax on capital, it is not on capital in the country, but a tax on capital that has been exported

abroad, capital that has been sent abroad for financing British industries by starving the industries of our own country. And, Sir, I will not support that unpatriotic adventure. That is why I support this motion.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, speaking from the point of view of the smaller agriculturist as well as ordinary middle class people, and not as a capitalist, I have great pleasure in supporting this Bill. It is quite natural that a big capitalist like Sir Cowasji Jehangir would oppose this Bill, but I am glad to find that he also agrees to serve on the Select Committee and bring about some modifications in the Bill. My chief ground for supporting this Bill is that the rich people are comparatively escaping taxation, whereas the poorer people who get an income of Rs. 1,000 come under taxation.

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official): You will do the same, if you are rich.

**Mr. T. N. Ramakrishna Reddi**: Perhaps I am not rich, and that is why I am not supporting him; as I already said, I was speaking only on behalf of the poorer people. There is a very clear case to prove my point—the case of Sir Ali Imam. He received very large amounts of money, extending over lakhs, when he had to terminate his services in the Hyderabad State and then he authorised the Imperial Bank Branch at Hyderabad to receive that amount and, subsequently, got it transferred to Patna. Then the Income-tax Officer levied income-tax upon that big amount, when he refused to pay, and the case went up to the High Court. The High Court held, applying section 4(2), that this was not an income which could be taxable as it was not earned in the course of “business”. Here, applying section 4(2)—“Profits and gains of a *business* accruing or arising”—it is contended that this big amount was earned on account of the “services” which he rendered to the Hyderabad State and so it does not come under “business”.

**Raja Bahadur G. Krishnamachariar**: That was not the ground.

**Mr. T. N. Ramakrishna Reddi**: That was one of the grounds. If my Honourable friend wants me to quote the judgment, I will do so.

**Raja Bahadur G. Krishnamachariar**: I know that case by heart. That income was exempted, because it was not received in British India. The section requires that the income should be received in British India. Their Lordships of the Patna High Court held that it was an income which was not received in British India, because you cannot receive income in two places. As it had already been received in the Residency Bazar which is not in British India, and having been received there, merely transferring it to Patna, cannot constitute receiving in Patna, and that, therefore, the income not having been received in British India for the first time it is not liable to be taxed. Perhaps if you will refer to the case you will find that that is the ground on which they disallowed the claim.

**Mr. T. N. Ramakrishna Reddi:** That is also one of the considerations, but the High Court's finding also was that it was not derived out of business. They expressed some doubt as to the ground whether the income was derived in British India or outside British India. But about this ground they had no doubt at all that it was not earned in pursuance of a business, and hence they did not levy income-tax on that income.

Now, this Bill seeks to eliminate the word "business" enabling all sources of foreign incomes to become liable to taxation. I agree with my Honourable friend, Raja Bahadur Krishnamachariar, that the Honourable the Finance Member should see his way to exclude agricultural income. He has got very good ground for it, because, at present in India, the Government are not taxing agricultural income, and when they do not tax agricultural income, it stands to reason that they ought not to tax foreign agricultural income as well, whether it accrued or arose either in India or elsewhere outside India. There you have very reasonable ground for exclusion of agricultural income from income-tax and I shall be glad if the Honourable the Finance Member will agree to it. My Honourable friend, Sir Cowasji Jehangir, said, this Bill aims at taxation on capital. If that is so, Sir, then the proviso ought not to have been placed in the clause at all, that is to say:

"provided that they are so received or brought in within three years of the end of the year in which they accrued or arose."

If the framers of this legislation of 1922 had eliminated this portion, then it would have been all right, but they have agreed to tax an income which has been brought into India within three years. When they have agreed to that, I do not see any reason why they should not agree to the tax if foreign income has been brought in India even after three years, say, four years, five years, and so on. A foreign investor cannot be made to treat accumulated income as capital.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhamadan): His intention is all along to treat it as capital.

**Mr. T. N. Ramakrishna Reddi:** Why should he treat it as his capital and escape income-tax? I say, he must pay income-tax. Why should you invest your capital outside India? (Hear, hear.) There are any number of struggling industries in India, the capitalist is not coming forth to improve the industries, and if he finds any better investment, he is prepared to invest his money in other countries and invest in the best possible securities. I have absolutely no objection for their doing so. Let them invest in any other country, but let them bring their profits into India, so that the profits at least might be invested in the country. Capitalists want to invest their profits again in the foreign country, so that they may not be brought into India for a long time. Even if they are brought, they will be in the hands of a few capitalists. It will not be distributed in the country. It will be locked up with a few.

Now, Sir, the world is suffering from accumulation of gold in America and France. We are trying to see that gold does not accumulate in one country or with one individual. It is always for the good of every country as well as for every individual that money circulates freely. It is a very salutary provision which forces capitalists, if they invest capital outside, to bring in their income in the country, so that they might pay

a little amount of taxation instead of paying a bigger amount when it is accumulated. It will also be a check on the person not to accumulate the capital, but to invest it in various concerns in this country. I have great pleasure in supporting this Bill, and I would request the Finance Member to see that agricultural income is excluded.

**Diwan Bahadur Harbilas Sarda** (Ajmer-Merwara: General): Sir, I understand that the principle of the Bill is that income from investments in foreign countries or in any country outside British India, when that income is brought into British India, should be liable to pay income-tax. That is a very sound principle and I do not think anybody can take objection to that. The question that has been raised by an Honourable gentleman is that if that income remains in a foreign country and takes the shape of capital, any interest accrued on that capital ought not to be taxed, though this Bill makes that income liable to income-tax. I am not quite able to understand why that income should not be taxed. Suppose a sum of thousand rupees accrues as income on investments or business in London: that amount of thousand rupees remains in London, and on that amount an income of Rs. 200 accrues. The question is whether that sum of Rs. 200 should be liable to pay income-tax. As I understand it, the point is this: because the sum of thousand rupees becomes capital in England and it is invested there and that, having become capital, the further income on those thousand rupees, namely, 200 rupees, should, according to my friend there, be exempt from income-tax. I do not quite see why it should be exempt . . .

**Sir Cowasji Jehangir:** If I may point out to the Diwan Bahadur, the thousand rupees is never allowed to become capital: not only is the thousand rupees not allowed to become capital, but for as many years as it remains outside India, it remains as income and when it comes into India, it will be taxed at compound interest.

**Diwan Bahadur Harbilas Sarda:** I quite see the point. That is what I said—that the thousand rupees if invested in any other security or something, according to my Honourable friend, becomes capital and that should be exempt from income-tax, because it became capital; in other words, it takes the shape of capital. If that thousand rupees comes to India just as it accrued, it would have paid income-tax. Why should it not pay income-tax if it comes after six months, or six years, or sixty years? What does it matter as to when it comes? It accrued as income; and, if it accrued originally as income, there is no reason why the nature of the thing should be changed, because it remained there for a longer time than two or three years. I do not quite see it myself. I say that this is only a way of evading income-tax. I have got some foreign investments; instead of getting income from them into India as it accrues, I ask my Bank there in England to invest that money in securities there. That investment is in reality not capital sent out of India, but it originally was, and its nature still remains to be that of income. Any income derived from that income which has now taken the shape of capital is also income. So far as India is concerned, so far as I am concerned, all that is my income, and I do not see why I should not be liable to pay income-tax on the accumulated money there if I am liable to pay income-tax at all. If you exempt me altogether from income-tax, that is a different thing; but otherwise I think that all the income

[Diwan Bahadur Harbilas Sarda.]

accumulated there which you might call capital or income which in reality is nothing but income should be liable to pay income-tax. As far as I can see, I do not see much reason in that objection.

But there is another little point about which I want to be enlightened by the Honourable the Finance Member. As this provision applies to all income which accrues outside British India, I just want to find out whether in the case, which I formulate, the income would be liable to be taxed. Supposing a man lives in Marwar; he has lived all his life in the Jodhpur territory; his father and his forefathers also lived there and they have a business which has been in existence for fifty years or a century or two centuries. The man comes and opens a shop in British India and makes that place his headquarters. The business in Marwar continues. Whatever capital there was remains there: whatever income accrues from that capital in business remains there. But the proprietor of that Marwar business as well as business in British India lives in Ajmer; the books are kept in Ajmer and the accounts of all the branches including the business in Marwar as well as those branches which are in British India, they are all entered into the accounts of the head firm in British India. As a matter of fact, the capital invested and the income accrued in Marwar remains there; but the entries of profit and loss are made in the account books kept at the headquarters here. As a matter of fact, in reality, there is no transfer of income from foreign country to British India, but the paper entries are made and the accounts of the head firm show the whole of that man's business. Will the income, which accrues to that man in Marwar and which actually remains there, but only paper entries are made in the head firm, will that income or that profit be liable to income-tax? That is what I want to know. I do not see the justice of taxing that man's income which, as a matter of fact, does not actually come, but remains in that firm, but is shown in the books kept in British India; and when the income-tax officer examines the account books at the head firm, he finds all these entries there of income. If that Marwar income is exempt, I have nothing further to say; but if that income is also taxed here, then, I think, it is a matter which requires to be looked into, and the Honourable the Finance Member will in justice see that this unfairness is not committed.

**Mr. K. Ahmed:** Sir, I have no quarrel with any of the previous speakers.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Sir Leslie Hudson.]

Because many of them in their reasoning are perfectly right.

With regard to the capital money and its investment in England mentioned in his speech by the Honourable Sir Cowasji Jehangir, this has been explained by my friend from Ajmer. The question that the profit brought into British India accrued on agricultural investment in an Indian State should not be taxed is not a reasonable proposition, and I must say that this has been brought out wrongly by the Honourable the Raja Bahadur. My submission to this Assembly, and I hope this will be placed before the Select Committee after the reference motion is carried out, is this: the Secretary of State had announced a loan only a few days ago called the Sterling Loan of the Secretary of State for India. A great part of this Sterling Loan was subscribed from India through the Imperial Bank

of India and some other channels. People understood—I mean the investors understood,—that they were not going to make payment of any further income-tax under the old Act. Clause 2 of this Bill says:

“(b) the words “provided that they are so received or brought in within three years of the end of the year in which they accrued or arose” shall be omitted in sub-section (2) of section 4 of the Indian Income-tax Act, 1922.”

I understand this is a Loan which was floated about two years ago, and if the interest has accrued within three years since that date and within three years, that will not be taxed. I am afraid if this is a Loan which was really floated, giving a promise to the investors in British India that that will not be taxed, this promise has been implied by the Secretary of State. The Loan has been floated by the Secretary of State for India to which the people of India have subscribed. I believe there is some reasoning behind it, and that reasoning goes much further than that described by my friends, Sir Cowasji Jehangir, and the Raja Bahadur who is sitting behind me. Sir, will the Honourable the Finance Member please explain to us what is the meaning of the expression “‘provided they are so received or brought in within three years or at the end of the year in which they accrued or arose’ shall be omitted”. If he means three years only from last year, then, I am afraid, the people who have invested money in British India and get their profits and gains from such investment will be the victims. Therefore, I want to point out that this clause should be more clearly explained when the Bill emerges from the Select Committee for our consideration, so that at least the implied promise of the Secretary of State on behalf of His Majesty the King and who is also responsible to the investors in British India may be fulfilled. I leave this subject here without any further comment, and I must tell the Members of this House that I have no quarrel with them.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Mukamadan Rural): Sir, I rise to make only two observations on this Bill. My first observation is this. I understand that income-tax will be transferred to the provinces,—this is the impression which I got from those members who went to the Round Table Conference. We are just on the eve of the new constitution, and I think it is not correct to make a series of changes in the Income-tax Bill just at this juncture when the whole subject is going to be transferred to the provinces. I know that some of the provinces will legislate . . .

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City: Non-Muhamadan Urban): May I just correct one small misapprehension of my Honourable friend. The proceeds of the income-tax will be transferred to the provinces, at the end of a certain definite period of time, but legislation on income-tax and the administration of income-tax will continue to be Central. That is the suggestion.

**Dr. Ziauddin Ahmad**: Thank you very much. That is the suggestion of my friend here, but I believe that it is still the subject of discussion, and many provinces desire to have the administration and legislation on income-tax in their own hands as a necessary part of provincial autonomy. I know that this is the view in my province, and, I believe, the same view is held in other provinces as well, and, therefore, before this question is definitely decided, whether the income-tax head will or will not be transferred to the provinces and whether they would like to tax the agricultural income or not, it is very desirable that

[Dr. Ziauddin Ahmad.]

no legislation should be passed just on the eve of the constitutional reforms. Therefore, Sir, I am opposed to any kind of changes in the income-tax law just at this juncture, and I think we should wait till the new constitution comes into existence.

The second observation I wish to make is this, that many Honourable Members, who have spoken in favour of this particular Bill, had evidently in their mind the income accruing in India and also the income accruing outside India, that is the United Kingdom, Europe or America. This question will not probably offer much difficulty, but the point offering serious difficulty will be the income accrued in Indian States and in British India, and confusion is sure to arise. My distinguished friend, Diwan Bahadur Harbilas Sarda, gave an example of certain merchants who have their headquarters in Ajmer, while their business is done in Indian States. You will find many examples of this kind, there will be many people falling under this category who may have business in Bombay or Calcutta, and also in Indian States. These people have two homes, one in British India and another in an Indian State, and as soon as they find that the whole of their income is liable to be taxed, they will try and transfer their headquarters from British India to Indian States and thus evade altogether the payment of income-tax . . .

**Diwan Bahadur Harbilas Sarda:** No, they won't.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) resumed the Chair.]

All these things will have to be considered very carefully. Many of the Indian States do not levy any tax on income, perhaps some Indian States do levy, but the majority of the Indian States do not levy any income-tax, and it would be very unfair that some persons who keep their headquarters in British India should be taxed, while others who transfer their headquarters to Indian States should be free from paying income-tax, though both carry on the same business and both derive their income from the same sources. I think the proper time to discuss these questions would be when the new constitution comes into operation and when the Federation comes into existence, because then it will be possible to have some sort of understanding between Indian States and British India. Therefore, in order to avoid confusion, I would very strongly recommend that this measure should be postponed till the Federal Assembly comes into existence. I agree entirely in principle that income which is accrued outside India should be taxed, but the clause, as it is worded, is bound to cause confusion. What I am very much afraid of is this. If the transfer of business from British India to Indian States takes place on a vast scale, then the actual receipts from income-tax instead of increasing would diminish. On this point I should have liked the Honourable the Finance Member to give us some data. He has merely cited a hypothetical case and asks us to legislate for income-tax on the eve of the new constitution.

**Mr. C. C. Biswas** (Calcutta: Non-Muhammadan Urban): Mr. Deputy President, as compared with the Bill which was before this House a year ago, there can be no doubt that the Bill which has been placed before us is a comparatively small measure. The Honourable the Finance Member, no doubt profiting by last year's experience, has attempted to follow the line of least resistance. What he seeks to do is no more

than to extend the principle which is already recognised in the existing Act. The extension he proposes is this, that whereas under the existing Act only income arising out of business abroad is liable to tax if it is brought into British India within three years, income of all kinds should be taxed, irrespective also of the time when it is brought into British India. Sir, on principle, it is somewhat difficult to resist the extension of this principle. I was really wondering what was the basis of the differentiation which you find in the existing Act. So far as the three years' limit is concerned, my friend, Sir Cowasji Jehangir, no doubt gave us some explanation, but I heard nothing from him or from other speakers as to the grounds on which the differentiation was meant, when the Act of 1922 was passed, between income arising from business and income from other sources. As I have said, on principle it is very difficult to discover the distinction between income of the one kind and income of other kinds. There may be something to be said on the question of the three years limitation. I do not agree with my Honourable friend, Sir Cowasji Jehangir, that doing away with the time limit necessarily involves a levy on capital. That is not so. Therefore, although I was one of those who opposed the measure which was brought forward a year ago, I can accord my whole-hearted support to the present Bill.

There are just a few points, however, to which I should like to invite the attention of the Honourable the Finance Member and of other Honourable Members in the House. Comparing the existing Act with the Bill, I find that the expression "profits and gains" is going to be retained. If you look at section 4, sub-section (1), where are mentioned the various kinds of income which are made from time to time, you find the expression used there is "all income, profits or gains". In sub-section (2) which follows, the word "income" is left out. That is done because, there, reference is made only to income from business, and possibly, applied to business the expression "profits and gains" is more appropriate. If it is desired, as I think the object of the Bill is, to secure that income of all kinds is to be included, then I do not see why you do not have the expression "income, profits or gains" instead of merely "profits and gains". Otherwise, if you leave the words as they are, it might lead to the argument that some sort of differentiation was still intended. So, as the Bill has been drafted, it does not seem to carry out the full object. The other point which I wish to make is, if you refer to section 49 of the Act, you will find that there is relief granted against double taxation so far as income which accrued or arose in the United Kingdom is concerned. What are we going to do in order to secure relief from double taxation in respect of income which accrued in foreign countries other than the United Kingdom? As a matter of fact, it is only fair that if you have a provision like section 49 which does provide for a refund to the assessee, if he has already been taxed in respect of the same income in Great Britain,—I see no reason why similarly it should not be granted in respect of income accruing in any other foreign country. That is a point to which I should like to draw the attention of the Finance Member. It may be a matter of practical difficulty, because in England they have the Finance Act and you may have reciprocal legislation as between that country and this, and it may not be possible to secure similar reciprocity in regard to other foreign countries. However, I do not wish to pursue the matter, but I draw the attention of the Finance Member to this point.



[Mr. C. C. Biswas.]

Lastly, on this question of agricultural income to which my Honourable friends have referred, I do not see that there is any ground for the apprehensions they have expressed. All that we need do is to turn to section 4, sub-section (3). That sub-section refers to exemptions. It specifies the different classes of income to which the Income-tax Act shall not apply, and agricultural income is one of these—item (viii). Agricultural income being there, it means, whether it accrues in British India or outside British India, it is exempt from taxation. Merely because an amendment is proposed to be made in sub-section (2) of section 4, it does not follow that the force of sub-section (3) is done away with. Sub-section (3) says:

“This Act shall not apply to the following classes of income.”

That means that this Act will include sub-section (2) as amended, and because this Act does apply or will apply to income which accrues not merely in British India, but also to income received out of British India, and sub-section (2) says that in certain circumstances income actually accruing outside British India may be deemed to have accrued in British India, therefore I submit that the exemption clause will apply equally to income which is specified in sub-section (1) of section 4 and income which is referred to in sub-section (2) of section 4. With these words, I support the motion before the House.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): I rise to support the motion moved by the Finance Member for referring the Bill to a Select Committee. I admire his tactics in referring this small Bill to a Select Committee in order to avoid very long discussions, very rambling discussion in the House.

An attempt has been made to arouse the indignation of the House against levy on capital, and it is dubbed to be a plank in the communist programme. I do not think that there is anybody in this House who whole-heartedly admires the communist programme. At the same time, I may point out that capital levy is not quite unknown to the financial policy of the British Government. When very heavy death duties are levied from millionaires and multi-millionaires in England, it is nothing but a levy on capital, and in that way the capital of big magnates is reduced and brought to normal proportions. The question of levying death duties in India is being tackled by various Provincial Governments, but they are meeting with very great opposition and I do not know when that levy will come into operation. But I may say, that the bogey of capital levy need not frighten us.

My Honourable friend, the Raja Bahadur, has raised a question about the levy on agricultural income from Indian States outside the limits of British India. Income from agriculture, acquired out of British India, when brought into British India is assessed to income-tax. That is but right. The income, when it comes into British India, cannot be called agricultural income in British India. What is exempted is income from agriculture in British India and not income from agriculture outside British India, and, therefore, it is properly taxed under the Income-tax Act. I do not see that there is any necessity to exempt that income. If a gentleman owns big landed estates in Indian States and he lives at ease

in British India on the income from those estates and enjoys all the privileges and all the protection which the British Government give him, his income ought to be taxable, he ought to contribute to our revenues . . . . .

**Kunwar Hajee Ismail Ali Khan** (Meerut Division: Muhammadan Rural): What about the revenue which he pays in the Indian State?

**Mr. B. V. Jadhav:** He pays land revenue there for the land which he has got there, but when he transfers that income to British India and enjoys it here, then it becomes his income and is liable to income-tax.

**Kunwar Hajee Ismail Ali Khan:** Double taxation.

**Mr. B. V. Jadhav:** It is not double taxation. If it were income from the investment of money, then it would have been assessed in the Indian State to income-tax if there be one, and also taxed in British India. If it is trade, the profits from the trade acquired there will be taxed in the State and they will also be taxed if transferred to British India. So, also, in the same way, if agricultural income from Indian States is brought into British India, it is equally liable to tax and I do not think there is any iniquity. Therefore, I whole-heartedly support this measure.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): I do say that the Honourable the Finance Member is very fortunate in that he has an easy walk-over in connection with this important Bill. With no new reasons given today, I was not able to understand how the old opposition has been done away with at the very outset today.

**Sir Cowasji Jehangir:** The opposition has not been done away with.

**Mr. Lalchand Navalrai:** Sir, many of the Members are in favour of the Bill being sent to Select Committee, but I find that objections raised in this House go to the very principle of the Bill, and I do not understand if those, who are in favour of sending this Bill to a Select Committee, will have their object achieved there. I do not think that even the Honourable the Finance Member himself expected that at this very early stage there will be no opposition to this Bill. It is not being denied that we are very much familiar with this Bill, its principle and its object. It is also not being denied that this Bill is identical with the former one, in so far as clause 4 is concerned, and, as such there is no difference between this Bill and the former one which was rejected by this very House by a large majority. Therefore, I submit that if the objections that my Honourable friend Sir Cowasji Jehangir has put forward *viz.*, that all income derived from whatever source should not be assessed in India when it arrives here, and that the time limit for assessment thereof should not be extended, are fully appreciated, there can be no doubt that they go to the very root of the Bill. I am also at a loss to understand how Sir Cowasji Jehangir has been persuaded to think that he can get these two objections remedied in the Select Committee. If he gets it in the Select Committee, it is virtually getting the whole Bill thrown out and I would certainly agree if an undertaking is given that these two objections—that income from whatever source will not be assessed to income-tax and that

[Mr. Lalchand Navalrai.]

the limit of three years will not be extended,—will be considered, then, in that case, I will agree to the Bill being committed to a Select Committee; but if there be any apprehension of an impediment arising in the way of getting this Bill improved upon in this direction by the Select Committee, I object. With regard to these objections, I must say that they were fully considered last time, and many of us who were present opposed the Bill on these grounds. I for myself am at a loss to understand what has happened after that that Member after Member rise today and want the Bill to be sent to a Select Committee. In my humble opinion, there seems to be no chance of rejecting the Bill at this stage, judging from the sense of the House, and, if this Bill should thus go to a Select Committee, the only course left to me is to request the members of the Select Committee to give full consideration to what I urge. The point is that the charging of all kinds of income, irrespective of its sources, will create many complications. I shall give an instance.

Suppose a capitalist takes money from here and goes outside. He has no use for it there, and brings it back after ten years. Will he be charged income-tax on it or not? Will he be charged on the capital taken away from India which produced nothing? Is it equitable that this should be done? It will also be observed that this would also be an obstruction to investments being made anywhere at one's free will. It is no doubt claimed that investments should be made by the capitalists in India, so that India will be the gainer. I submit, if freedom is given to a man to invest money anywhere he chooses to his advantage, and if he brings back an increased sum of money and uses it in India, he would be more useful to India. I would, therefore, submit that the original object of the law, as it was contained in the Act of 1922, charging income derived from business only was a very well considered one and should not be departed from. Let me quote the concrete case of a class of merchants called Sind-Work merchants from Sind. I can personally say that, when they make investments outside, they bring in more money and thus supply greater resources for use in this country. With these words, I support the motion for the Bill being sent to a Select Committee, but I would again remind the members of the Select Committee to carefully consider the objections that have been raised here.

**Dr. F. X. DeSouza** (Nominated Non-Official): I am one of those who extended a very hearty support to the measure when it was brought by the Honourable the Finance Member a year ago. I still extend that support now, but I regret to see that the Honourable the Finance Member has not paid any attention to the objection which I then made in connection with the Bill and that is that income derived from agriculture in Indian States and brought into British India should be exempted from further taxation in this country. Personally I think that section 4 of the Income-tax Act has been incorrectly interpreted. I agree with my Honourable friend, Mr. Biswas, and differ from the view expressed by my

Honourable friend, Mr. Jadhav, when he says that under sub-section (3) (viii) of section 4, the exception with regard to agricultural income therein made should extend not only to British India, but also to Indian States. Apart from that, Sir, if you read sub-section (2) of section 4 which is now sought to be amended, it is distinctly provided that profits and gains of business accruing or arising without British India to a person resident in British India shall be liable to

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taxation. Now, it has been interpreted by the income-tax authorities that "business" in this clause includes agriculture. In ordinary parlance, I should say that a business includes trade and industry, and agriculture is a profession independent of business. I should, therefore, have said that in interpreting section 4, sub-section (2), the income-tax authorities should, in the ordinary course, by a correct interpretation of the word "business" in sub-section (2), have exempted income derived from agriculture in Indian States from further taxation in this country. Honourable Members, coming from the South of India, like Raja Bahadur Krishnamachariar, Mr. Thampan and others, who have spoken on the subject, feel the iniquity of having to pay income-tax on agricultural incomes twice over. My Honourable friend, Raja Bahadur Krishnamachariar, owns lands in Hyderabad. My Honourable friend, Mr. Thampan, owns lands in Cochin and Travancore. There are others who own lands in Mysore.

**An Honourable Member:** And you also.

**Dr. F. X. DeSouza:** Well, I do. And, on that ground, we pay considerable assessments to the Indian States.

**An Honourable Member:** Any income-tax?

**Dr. F. X. DeSouza:** We pay assessments—no income-tax. We pay heavy assessments on those lands in the Indian States. Now, when we bring that income into British India, under the law, as it is now administered, and even under the proposed law, we are subjected to fresh taxation. Now, this operates harshly in two ways. Firstly, I am speaking of those engaged in the industry of planting, say, coffee or tea or any other planting produce. Planters, who have lands, say, in Coorg, which is in British India, have to pay a lower rate of assessment than planters who plant in Mysore and yet their income from planting is exempted from income-tax, because they say that planting in British India is agriculture. It is true that tea planters pay a partial tax, because a portion of their operations in the factory is industrial and not agricultural. As regards the planters in Mysore, British as well as Indian, the moment they bring their income from planting into British India, heavy taxation is levied upon them. I think that is not right. Firstly, I think that income from agriculture should be exempted from taxation wherever the agriculture is carried on, whether in British India or in Indian States; and, secondly, I think that if that income is imported into British India, then it should be exempted from taxation. There is really no reason, in my humble opinion, for differentiation between agriculture carried on in British India and that in Indian States. I would, therefore, propose a simple amendment for the consideration of the Select Committee, and that would be this: "profits and gains other than profits and gains derived from agriculture wherever carried on". With these few words, Sir, I support the motion to refer this Bill to a Select Committee.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhamadan): Sir, I have great pleasure in supporting this motion. The Honourable the Finance Member has in his speech given all the arguments in favour of this Bill, and I do not wish to waste the time of the House by putting forward any reasons of my own. Sir, if my Honourable friend

[Mr. Gaya Prasad Singh.]

proposes to bring forward further measures in the same direction, I think he can get considerable amount of support from Members who, I may say, have no axes of their own to grind. (Laughter.)

Sir, my Honourable friend, Dr. Ziauddin Ahmad, said that a measure like this should not come at a time when constitutional changes are in sight. Well, if that argument is to hold good, we should all close our shops and go home, but, since we are doing legislative business here, it is our duty to see that proper measures are put on the Statute-book. My own regret is that the Indian Income-tax Act contains many anomalies, and my Honourable friend has been bringing forward these little Bills in dribblets. We should have expected a more comprehensive measure, codifying the provisions in a consolidated Act. I am very glad that my Honourable friend, Sir Hari Singh Gour, the revered Leader of the Opposition, is on the Select Committee, and I am sure he will recognize the strength of feeling in the House on this measure and he will whole-heartedly co-operate with the Finance Member in placing this measure on the Statute-book at as early a date as possible.

**Sir Hari Singh Gour:** Sir, if I have abstained from speaking till now, it has been because I wanted to hear from my friends behind me and those opposite to me as to what they think of this measure which the majority of this House rejected by a decisive vote given not 12 months ago. Now the Honourable the Finance Member has frankly confessed that this is a flank attack upon that decision of the House. He has informed the House that he is flinging upon us the same sort of measure so that the future Finance Minister may walk into the parlour which he is embellishing for his reception. I have not the slightest doubt, seeing the trend of opinions that are being expressed in the Assembly—representing as it does only a very small fraction of the population—as to what would be the reception given to a Bill even more strenuous and rigorous than this; well, the rank and file, and nearly 20 per cent. of the proletariat, will be represented on the Federal Assembly. The Honourable the Finance Member need have no apprehension, if that future Finance Minister was to bring forward a Bill that every section of the community that are payers of income-tax and super-tax should be scalped, he will find a ready response from that House and future editions of Gaya Prasad Singhs and Sardas will exclaim: "Why not quartered?" Sir, that however is the hope of the future. So long as we are in this House (*An Honourable Member:* "Who are we?"), and so long as we have our duty to discharge, we must do so regardless of what the future Finance Minister may do and regardless of what my friends around me may think. One has to discharge his duty conscientiously, and when I have done I think there will be many on this side of the House as there were on the last occasion who would reconsider and revise their opinion. Let me give not the generalities in which Honourable Members on this side of the House have indulged, but a plain concrete example to illustrate what will be the effect of the Bill which the Honourable the Finance Member has sponsored. We have within the last few years a large growing population of Indians overseas settled in British possessions and foreign countries.

**Sir Muhammad Yakub** (Rohilkund and Kumaon Divisions: Muhammadan Rural): Have we?

**Sir Hari Singh Gour:** My friend, Sir Muhammad Yakub, living in the ditch of Delhi may not be conscious of the thousands of prospering families who have made their home in places as far as Kobe on the east and British Guiana in the west. Sir, we have to see that most of these gentlemen who trade in countries overseas have their families in this country and keep in close touch with the members of those families. Some of them are members of a joint family; others are members of a quasi-joint family, while many others are partners in business. And so a link is forged between those who live in India and those who trade overseas. And these traders overseas bring into this country money and goods in exchange for the money and goods which they receive from India. Nobody will deny that the growing overseas trade of India is worthy of encouragement. Can anybody deny that fact? That India should have a large expanding overseas trade admits of no doubt; and if I can convince this House that this Bill will strike at the very root of India's foreign trade, then I will ask Honourable Members whether they are prepared still to support the committal of this Bill to a Select Committee. Let me give Honourable Members one illustration out of the many that will be culled from their own experience.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. R. K. Shanmukham Chetty) in the Chair.

**Sir Hari Singh Gour:** Before we adjourned for Lunch I was giving to the Honourable Members one concrete illustration to show how this provision will work in practice. "A" in India sends raw cotton worth a lakh of rupees to Manchester and in return he receives cloth worth a lakh and a quarter of rupees. He has made a profit of Rs. 25,000 upon that one lakh of export which is converted into cloth, and the cloth is returned to this country. It would come in income-tax free. "B" in India sends a lakh of rupees to England in the shape of gold bars. There he buys produce. He has made profit on the gold bars in England and then it comes in the shape of finished goods and the rest is returned to him in cash. Now, I wish to know how "B"'s income on its entry into India is assessed. Is it income or capital? Unless you go through the accounts of the overseas firm, you are not in a position to say how much is his income and how much is his capital. That was a point, I think, which was emphasised on the last occasion when the foreign Income-tax Bill was thrown out by this House, and that is a point so forcibly brought home to the Honourable Members in the speech delivered by Sir Cowasji Jehangir this morning. What means have you to ascertain that a sum of money received into this country is capital or income, and how are you going to provide against evasions. On the last occasion

**Sir Cowasji Jehangir:** Presumably everything will be income, whether it is capital or income.

**Sir Hari Singh Gour:** That answer is the only answer which my friend, Sir Cowasji Jehangir, has just now interjected. It makes a clean sweep of all distinctions between the income and capital. If that be the object, how

[Sir Hari Singh Gour.]

is the Bill distinguishable from the capital levy Bill? I can well understand a responsible member of Government standing up and say we want to tax capital: we want to tax all entry of incomes or produce in the shape of incomes into this country, because we want to level down the standard of living. I can well understand such a Soviet system of taxation introduced into this country, but it must not come by a side-wind. You have to state fairly and fully to the House that that is the object you have in view.

Then, again, Sir, another point that was made on the last occasion and emphasised not only by the lay public, but also by the taxing authorities. I still recall the memorable words written by the Income-tax Commissioner of Burma that this Bill is likely to tax the honest man and likely to profit the dishonest men. (Hear, hear.) Every thing depends on—"pay if you wish, do not if you do not",—a principle which underlay the last Bill and it is a vicious principle, because income-tax must be levied on both alike, and in practice one man will escape, while the other be subjected to taxation. Let me give you an example. A firm of Greek merchants trade in India. They buy wheat and cotton and export them in large quantities to various parts of Europe, America and Japan. Their head office is at Athens. Now, when the money comes in here, how are you going to tax it, unless, as Sir Cowasji Jehangir has pointed out, you cannot distinguish the sheep from the goat and tax both alike. How are you going to make a drastic differentiation between sums received for the purchase of cotton and other raw produce of this country out of the borrowings made in a foreign country and out of capital raised in that country and the profits of business, unless you are able to take an account and examine their accounts in the various foreign countries in which the firms trading in India have their business.

Then, Sir, my friend, Mr. Lalchand Navalrai, coming as he does from that enterprising community, the Sindhesi, who have established lucrative business in far off distant places like Yokohama, Kobe, Peking, Harbin and Mukden. They will be very hard hit by the provisions of this Bill. What they do is that some of their members live there, some of the other members trade in different places. Commodities are sent out from here to those countries, received back and in return sometimes in the shape of goods, some times in cash, sometimes in gold, sometimes in bills of exchange, remittances are made and fresh goods are brought and transferred and consigned to their various destinations. How are you going to make any distinction as to how much is to be taxed and how much is to be classed as income and as capital? Some Honourable Members said altogether unwittingly that this was a tax upon foreign investments. But let me assure them that it is nothing of the kind. It does include foreign investments, but it equally affects foreign businesses and trade. The Honourable the Finance Member said that under the present law, profits and gains of a business were taxable, and that it was anomalous that income from sources other than business should escape taxation. The anomaly is there, but you, Sir, cannot possibly complain when we say that the income-tax law is not the financial gospel of this side of the House. You seem to assume that we on this side of the House are enamoured of the provisions of the Income-tax law. My Honourable friend, Mr. Gaya Prasad Singh, has himself entered a caveat that piecemeal legislation by two or three Bills every Session have been introduced and passed without advertence to the scheme and principle of the entire Bill, and it is very rightly pointed out that what we on this side of the House desire and demand is a codification of the entire

income-tax law in view of the very large increases made since the law was revised and enacted in 1922. Ten years' experience has shown that the whole system of income-tax administration requires to be radically altered.

My Honourable friend, the Finance Member, when he has a weak argument to adduce, gives you an example from the English law. He says we are bringing this Bill to bring it into reasonable conformity with the English law. Well, I do not profess to be an expert in English income-tax law (*An Honourable Member*: "Question."), but I have made some superficial study of this subject, and may I venture to lay before the House not what I say, but what an authority in income-tax law has written in a published book, where he says that the English income-tax law is radically different from the Indian income-tax law in two respects: *First*, it takes note of the non-residence of persons, that is those who do not reside for six months in the United Kingdom, who are not subject to the income-tax which is assessed upon persons who are resident in the United Kingdom; and as regards their foreign income, we have a most complicated schedule for ascertaining what is income and what is capital, and very large deductions are made when the assessment is made.

In 1922, when the Income-tax Bill was before the Select Committee, the members thereof were confronted with the tremendous difficulty of finding out as to what portion of a person's income should be classed as income and what portion of it should be classed as capital; and finding themselves confronted by a maze of difficulties, the solution of which was as perplexing as unsatisfactory, they rightly cut the Gordian knot by making a simple rule that whatever was received within a period of three years shall be deemed to be income and the rest will be deemed capital. That was a rule of thumb, a ready rule which the income-tax officer and the assessee alike could understand. But when you take out, when you take away from the income-tax law that rule which was enunciated in 1922—and there is no suggestion, indeed no indication made by anybody that that rule has failed to work in practice—you have no alternative left but to come up here and say: "We want more money and, therefore, we wish now to alter the policy of income-tax law". The Honourable the Finance Member has studiously avoided telling us what would be the net income that would accrue if this Bill were transferred to the Statute-book. I made inquiries unofficially on the last occasion and I was told—and I repeat that statement subject to correction by my Honourable friend on the other side—that the amount of revenue which this Bill is likely to produce is not very much, and it might be something like 15 lakhs of rupees. That is my recollection of what was stated to me on the last occasion. As I have said, if my Honourable friend on the other side corrects me, I will accept his correction with gratitude, provided he also tells me what is the approximate amount of revenue which his Bill is likely to produce. Now, if it be a fact that it is after all a very small sum compared to the whole that the Finance Member stands to gain by this radical alteration in the whole scheme of the income-tax law, I should certainly hesitate to launch into a controversial scheme on the threshold of the reforms. Geographical boundaries between British India and Indian India are going to be dimmed, if not in places obliterated . . . . .



**Mr. N. M. Joshi** (Nominated Non-Official): Not for income-tax.

**Sir Hari Singh Gour:** Wait and see, and it will be not a happy augury for the promotion of that goodwill and friendly relationships if people, who trade in the Indian States, are made to pay a tax in British India regardless of the fact that they have equally been subjected to pay a local income-tax. My friends on both sides of the House—I am referring to such responsible speakers as Dr. DeSouza who so very emphatically stated that in the case of agricultural incomes, received from outside British India, there must be some relaxation in the Bill exempting it from a further taxation—I warn my friends and I warn in the language, not my own, but that of Sir Walter Layton who penned a report appended to the report of the Simon Commission, in which he advocated a levy of income-tax upon agricultural incomes; and I see in this Bill the thin end of the wedge and I caution Honourable Members that if, in a moment of ill-considered generosity to the Treasury Benches, they were to yield to the committal and the subsequent enactment of this Bill, they will be loosening the keystone of the arch of that exemption of agricultural incomes, upon which Members on both sides of the House are so unanimously insistent. All incomes outside British India, whether derived from agricultural or non-agricultural sources, will be subject to tax under this Bill. If Honourable Members agree that agricultural incomes received outside British India should be liable to tax, let them say so; but let them not for one moment suffer from a delusion that while everybody else would be taxed, they, as receivers of agricultural incomes outside British India, would still enjoy immunity from that tax, and if once we concede the principle that agricultural incomes made outside British India are liable to pay income-tax and super tax, what shall they say when the future Finance Minister, for whom my friend, the Honourable Sir George Schuster, is spreading a red carpet in the shape of this Bill, demands that the House must be logical and cannot discriminate between agricultural incomes made outside British India and those made in British India. Has he not said in his subtle and plausible way that it is an anomaly that profits of business under section 4 are liable to tax and he wishes to remove that anomaly by enlarging the provisions of the section by making all incomes alike liable to tax? Paraphrasing his words, the future Finance Minister will say that anomaly foreseen by his distinguished predecessor impregnates the whole system of income-tax law in this country, and there is no reason why, when incomes of all other businesses are liable to a tax, incomes from agriculture should be exempt. He will say, time there was when agriculture consisted of nothing but scratching up the soil with a wooden plough and producing just enough for one's daily wants. With the system of irrigation and the industrialisation of agriculture throughout the country, the distinction between agriculture as such and industry has disappeared and it is unfair that these large profits which accrue to the industrialised agriculture in the country should be made a subject of special immunity when all other industries are subjected to a heavy tax. If such an argument is used and some of my friends who adorn these benches still remain to adorn them under the Federation scheme, what answer will they give? Their own words will be quoted against them, and they will have to sit dumb confounded by the arguments of the Honourable the Finance Member from which they will see no escape . . . . .

**Mr. B. V. Jadhav:** They will in that case demand the remission of land revenue.

**Sir Hari Singh Gour:** I, therefore, think, Sir, that this is not such an innocuous Bill as Honourable Members on both sides of the House consider. A principle, at least debatable, to some of us mischievous, underlies the whole scheme of the measure which the Honourable the Finance Member wants you to commit to the Select Committee.

Then, Sir, the Honourable the Finance Member will recall the words of his distinguished predecessor, Sir Basil Blackett, who from his seat, which he so conspicuously adorns now, only four years back in his parting speech said that he was looking forward to the day when India would become a capitalist country, expanding her financial operations to countries and zones overseas and thus become economically an international State. Those prophetic words, uttered by the Finance Member of that day, were uttered for the purpose of expanding the overseas trade of India. Those, Sir, who have ventured out of this country will recall the economic policy of that great Island Empire in the Far East, and let us take one leaf out of their book . . . .

**Mr. F. E. James** (Madras: European): Which one?

**Sir Hari Singh Gour:** Their worldwide trade is now monopolising or threatens to monopolise the industries of some of the continental countries in Europe and even of Great Britain. Their policy has been and is today to encourage the import of all capital into the country and the export of as much goods as possible upon which favourable rates are given by subsidised companies and bounties paid to those who are struggling for existence. The income-tax law of Japan favours the import of capital and penalises its export. As a set off against the losses suffered by the State, they have levied a local tax, called the consumption tax, which is this year 15 per cent. I can well understand the Honourable the Finance Member devising a scheme of some such character which would strengthen the industrial life of the country, and encourage the inflow of capital and the outflow of its manufactured goods and its raw produce so as to give to the teeming millions of this country at least two meals a day. But I cannot understand, I have never been able to understand the policy of the Honourable the Finance Member which will not only strangle your foreign trade, but will further penalise the inflow of capital which this country sadly needs for the development of her trade, agriculture and industries. Sir, there is the difference between some of us on this side of the House and the distinguished occupants of the Treasury Benches, and it is, and the difference is not merely one of detail, but of great principle. That principle cannot be solved. I am afraid it will not be solved by an irresponsible Government. The Finance Member spoke of his Government in a somewhat ironical sense as a wicked Government. The future Minister sitting in his place would perhaps use those words in a different sense if this Bill became law and he was called upon to administer it. Let us beware of it.

I do not wish to say anything further to Honourable Members of this

**3 P.M.** House except this. Let them not consider this Bill as one of first impressions. Let them think carefully over the broad and large questions and the large policy and principle underlying it, and if they do so, I have no doubt as to what would be their verdict. I very inadvertently referred to my Honourable friend, Diwan Bahadur Harbilas

[Sir Hari Singh Gour.]

Sarda, in the opening of my speech as one of those who favoured the passage of this Bill. I am very sorry that I should have mentioned his name, because he has assured me that he never was in favour of the Bill . . . .

**Diwan Bahadur Harbilas Sarda:** I have never said that.

**Sir Hari Singh Gour:** I understood my Honourable friend to say—very well, Sir . . .

**Diwan Bahadur Harbilas Sarda:** May I explain what I meant? When my Honourable friend Sir Hari Singh Gour opened his speech, he derisively spoke of Gaya Prasads and Sardas; what his object was in doing so, I do not know. But evidently he referred to Mr. Gaya Prasad Singh who had said that if the Finance Member would propose some other Bills on the same lines as this Bill, he could expect support from this side of the House. And he joined also with me, but I never went so far as that. I explained to him what my position was—that I approve of the principle of the Bill which was so and so, and that I had also enquired whether under certain circumstances—I gave a concrete case and I asked—whether income accruing to a person under those circumstances was liable to tax. But I did not commit myself to anything so far as this Bill went—whether I was entirely in support of the Bill in all circumstances and of all other Bills like this, or not. But I never told my friend that I was not in favour of the Bill, nor did I tell him that I fully supported the present Bill. I explained the whole position to him.

**Sir Hari Singh Gour:** I am very glad that my Honourable friend, Diwan Bahadur Harbilas Sarda, has explained himself, and I understand the Honourable the Finance Member understands him better than I have been able to do. His position evidently is that he is neither in favour of it nor against it.

**Diwan Bahadur Harbilas Sarda:** I never said that either.

**Sir Hari Singh Gour:** I leave it at that.

**Diwan Bahadur Harbilas Sarda:** I am in favour of the principle of the Bill.

**Sir Hari Singh Gour:** Before I close, I wish to inform the House that I believe with Sir Cowasji Jehangir that there should be no impediment to the committal of this Bill to Select Committee, if he and I were left free to examine it in all its details and we were not confronted with an objection raised there to the fact that the principle of the Bill having been accepted by the House we were not free to make any change or make those suggestions. There is really no principle, as Sir Cowasji Jehangir said, in this Bill.

**Mr. Gaya Prasad Singh:** It is an unprincipled Bill.

**Sir Hari Singh Gour:** As my Honourable friend, Mr. Gaya Prasad Singh, says, it is an unprincipled Bill. I am not prepared to say that it has any principle at all, but what I do say is, that it is a very short and

innocent looking Bill, but it is pregnant with meaning, and we should be very careful and extremely guarded in according to it the support which we are asked to give. The carefulness and guardedness consist in this, that it should not be understood that, by committing this Bill to Select Committee, we are tying our hands against making any suggestions, which may cut across this Bill in the Select Committee, and any suggestions and improvements that we may consider to be necessary in the interests of both the State and the assessee we should be free to make. Subject to this, there should be no objection to the examination of this Bill by a Select Committee.

**Mr. R. T. H. Mackenzie** (Nominated Non-Official): Sir, in view of the fact that the Bill under discussion is an income-tax Bill, I hope I am correct in assuming that it is not the intention of the Honourable the Finance Member to tax capital when it is brought into British India.

If this assumption is correct, there is just one point that I would like to press very strongly for the earnest consideration of the Honourable the Finance Member, and that is, that income which has accrued prior to the passing of the Bill should be exempt from taxation (as it now is), provided it is not brought into British India within three years of the passing of the Bill.

Arising out of this point, I must confess to certain misgivings as to how any one wishing to bring money into this country is to satisfy the income-tax authorities that it has actually accrued prior to the passing of the Bill. Doubtless, this is a point on which the Honourable the Finance Member will be able to enlighten me when the Bill is under discussion by the Select Committee.

I, therefore, support reference to Select Committee, but, at the same time, I would like to say that this Group will keep an open mind in regard to the Bill until we have seen in what shape it emerges from the Select Committee and we shall then decide what attitude we shall adopt towards it.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): To my mind this is a very simple Bill. There is already a provision in the Income-tax Act about income derived from business and brought into this country being taxed. This Bill merely extends the operation of that clause to incomes from other sources, namely, investments, etc. If there had been any difficulty all these years in ascertaining what was income and what was capital, I think there would have been a hue and cry in this country from persons engaged in business in two different countries regarding that matter. But up till now we have not heard of anything about that matter and I do not think that there could be any difficulty in ascertaining what is income and what is capital. The ordinary book keeping of the different firms who carry on business in different countries would show what is income and what is capital. The procedure under the Act is that a person to be taxed has to put in a statement showing what his income is. This statement will now show, if the Bill is passed, not only the income which has been received in India from business abroad, but also the income which has come into this country from investments. If there had been no difficulty felt in previous years, I do not see how any difficulty could arise now.

**Mr. K. Ahmed:** If they are not assessable, how could they put in the income for payment of income-tax?

**Mr. S. C. Sen:** The next point is about agricultural income. Agricultural income is defined in the Income-tax Act. It is income from land situated in British India and in respect of which Government revenue is paid. Therefore, income derived from foreign lands cannot claim the exemption which is given in the Act. In this connection I may refer to the speech of the Honourable the Finance Member when a similar Bill came up for discussion in this House. The Finance Member then said:

"Then another point has been raised about agricultural incomes. We are told that agricultural income in India is exempt from income-tax and asked, will the same apply, if this Bill is passed, to receipts from agricultural income earned in Indian States. There again my answer is that that is a point which can be dealt with in Select Committee. There is not the slightest difficulty in introducing some special provision as regards agricultural income if the Select Committee thinks on full consideration that that is just."

I suppose the Honourable the Finance Member will in this particular instance also say something similar to what he stated on the last occasion and will abide by the decision of the Select Committee. There is one other point which I want to urge, namely, the salary of various persons who are engaged in services abroad. My friend, Mr. Bajpai, in connection with the Medical Bill has been making provision for persons who want to practise in foreign countries and to earn their living. So far as those salaries are concerned, they are income and I should like the Finance Member to exempt it from the operation of this section, and, with these words, I support the reference of the Bill to a Select Committee.

**Mr. N. M. Joshi:** Whenever I hear a debate on the Income-tax Bill, I feel amused. The House generally does not feel excited on any other question, however important it may be, but there are some Members who never fail to be excited and to make very eloquent speeches whenever an income-tax affair is mentioned. Sir, the principle of the Bill is a very simple one. Those people, who derive incomes from investments, whether those investments are in India or abroad, should pay a tax. They ought to pay for the protection which they receive from Government. This is the very simple principle of the Bill. They get the money in India. They use the money in India and they receive the protection from the Government and they must pay. Honourable Members, especially the Honourable the Leader of the Nationalist Party, raised several bogies in order to frighten some Members of this Legislature. He first said that this is a question of taxing agricultural incomes, but my friend, Mr. Sen, has shown very clearly the position as regards agricultural incomes in British India. We may tax agricultural incomes from Indian States.

Now, Sir, this is necessary to give encouragement to industry and business as the Leader of the Nationalist Party wanted to do. I shall give you an example. My Honourable friend, Dr. DeSouza, complained that he may have agricultural income in some Indian State, and when he brings it here, he is taxed. My complaint is this, that men like Dr. DeSouza, who make their income in British India, instead of investing their money in British India, invest their money in Indian States in agriculture. Instead of encouraging agriculture in British India, these gentlemen try to encourage agriculture in Indian States, although they have derived all their capital from British India. My Honourable friend, Sir Hari Singh Gour, said

that the Honourable the Finance Member should encourage industries. Surely when he tries to keep the money here in India, he encourages industry. We want money for our industry in India, although we may want foreign trade. Certainly we want money to remain in India for our own industries and, therefore, when he tries to prevent money going abroad for investment, he is really encouraging industry as Dr. Gour wanted to do, but there is one more point. I have been very lucky to attend the Round Table Conferences in England and I found that one chief argument for financial safeguards was that we have to borrow money from England and, therefore, we must accept the financial safeguards. If our people, instead of investing their money abroad, will invest their money in India, we shall not have to borrow money from England, at least to the extent to which we borrow. Our borrowing will at least be reduced and, to that extent, the need for financial safeguards will also be reduced. I, therefore, feel that this Bill is not only a good Bill from the point of view of collection of taxes, but a good Bill from a constitutional point of view also.

**The Honourable Sir George Schuster:** I should like to thank various classes of Honourable Members of the House for the assistance which they have given in the discussion of this measure. I should like, in the first place, to thank those who have promised their support. I would again thank those who have raised certain points which are points worthy of special consideration and, lastly, I should like to thank my Honourable and learned friend, the Leader of the Nationalist Party, for the magnificent *tour de force* which kept us all amused for something like three quarters of an hour. My Honourable friend indulged in some marvellous flights of fancy and of language. I was at one time told that I was inserting the "thin end of the wedge", a sentence which had hardly finished before I found myself "removing the keystone of the arch", and then, without a pause, the simile changed and I was "spreading a red carpet" for the first Finance Minister under the new constitution. I do not think, Sir, I am capable of such protean transformations. My Honourable friend, as I said, indulged also in flights of language. He spoke at one time, in a moment of great eloquence, of the mass of joint families and *quasi* joint families that were engaged together in business, both in India and abroad. I asked my Honourable colleague, the Law Member, what a "*quasi* joint family" was and he was unable to give me any answer. I fancy, that, possibly, in the attitude of the Nationalist Party on this Bill today we may get some picture of what a *quasi* joint family is. (Laughter.) I should be very sorry to interfere with the activities of such an entertaining family or even to tax their profits, but really, I am sure, my Honourable friend will excuse me if I say that 95 per cent. of his speech was entirely irrelevant. He gave us examples of a number of curious businesses. He spoke of a man who exports bar gold from India, makes a profit on that gold in England and then brings back cotton piece-goods to India. I was left guessing as to where he earned his profits. I should have thought the ordinary trader earned his profits when he came to sell his goods in India. My Honourable friend seems to have other methods of making profits, and apparently the mere process of the sale of bar gold produced the profits. Sir, even if there were such businesses, they would not in the least be touched by a Bill of this kind, and that is one of the points which I wish to make that a great part of my Honourable friend's argument was concerned with the great complications which would be put upon people carrying on business abroad. But, under the provisions of the law, as it stands at present, all

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those complications and difficulties must now arise. The only change, so far as business profits are concerned, which would be made, if this Bill became law, would be as to the period within which the profits would be treated as profits, but that change would not have any effect on all the circumstances to which my Honourable friend referred in his speech. I think, Sir, that many Honourable Members would envy me the task of answering my Honourable friend's speech if I had the time to do so at length today. But I will deny myself that pleasure, because this measure has already been discussed at considerable length and the real discussion must take place in the Select Committee. I should, however, like, before I sit down, to return to certain points which have been made in the course of the debate. I will deal firstly with certain points of detail.

My Honourable friend, Mr. Gaya Prasad Singh,—whose support of the measure I was very glad to hear of — complained, and the complaint was taken up again by the Honourable the Leader of the Nationalist Party, about our methods of piecemeal legislation as regards income-tax. I feel, Sir, that that is a very justifiable criticism and I must apologize to the House for the way in which we have dealt with income-tax amendments. If only sufficient time were available in the House, we undoubtedly ought to sit down and consider a fundamental revision of the present Income-tax Act. But unfortunately there has been in the last few years no time to undertake that, and we have had to come before the House with a number of small amending Bills. We have, however, in the Bill which I shall have to deal with, after this motion is concluded, made an attempt at a fairly comprehensive measure for dealing with the Income-tax Act and that represents about the best that we can do at present. It was thought better to keep the particular clauses of the present Bill, which raise a very special issue outside the other large Bill, and I feel sure that all Honourable Members will agree that it was a matter for the convenience of the House that that should be done.

Then, Sir, my Honourable friend from Bengal, Mr. Biswas, made one or two points of which I took note. He suggested one point of detail as regards the drafting of the Bill. He suggested that before the words "profits and gains" it was really necessary that the word "income" should be inserted. I think he was correct in that suggestion and we have taken note of that as a matter of amendment to be made in Select Committee. He dealt with one or two other points, but I need not specifically refer to them just now.

Then, my Honourable friend, Diwan Bahadur Harbilas Sarda, wanted to be assured on certain points. I might say, in passing, that I certainly do not share my Honourable friend, the Leader of the Nationalist Party's difficulty in understanding the Honourable gentleman's attitude. To me that was perfectly clear. What he said was that he supported the principle of the Bill in any case, if only it could be ensured that in practice it would operate in a certain way. Well, I think I can assure him that the particular fear which he entertained is not a justifiable fear. It was a little difficult to follow exactly what the business was that he referred to, but I consulted my experts on the matter and I am told that, in the case of that particular business, it would not be liable to taxation in British India except, of course, to the extent that profits made outside British India were actually remitted to British India. As regards that, the law will be no different if this Bill is passed, except in the point of time, to what it is at present.

Then, my Honourable friend, Dr. Ziauddin Ahmad—whose mind is always ingenious, when he applies it to any matter on which he wishes to find reasons for opposing the Government—has discovered a particularly ingenious argument in the present case, namely, that it is unsuitable to deal with a matter of this kind on the eve of the constitutional reforms. Sir, it was indeed refreshing to find that argument used on the Opposition Benches, for I thought it was we who generally brought it forward as an excuse for not dealing with matters in which Honourable Members opposite are interested. But, I feel sure that, on calm reflection, he will realize that it hardly applies to the present case. This is a matter of detail. If we are right in introducing the Bill at all, then, obviously, the sooner it is put upon the Statute-book, the better. It will not in the least affect the position under the new constitution; and, while I am speaking on that point, I should like to correct, what I believe is, a misunderstanding of what certain representatives at the Round Table Conference have recommended. It has been suggested in discussion here that under the new constitution the proceeds of income-tax will be wholly transferred to the provinces. Now, Sir, there has been no full agreement on that in the discussions at the Round Table Conference. But no representative of any section of opinion suggested that the whole of the proceeds of the present taxes on income should be assigned to the Provincial Governments.

Apart from these points of detail, there are two main points which have been brought up. One is this question of agricultural income. There seems to be a misapprehension in Honourable Members' minds that this Bill is going to make a great change in the position of a man who lives in British India and owns agricultural property in an Indian State. I find it very difficult to follow the minds of Honourable Members who have spoken on this subject, because, under the existing law, income earned from agricultural lands in an Indian State, if it is remitted to British India, is subject to income-tax. The fact that the origin of that income was agriculture in a case where the agriculture is not carried on in British India does not exempt it from income-tax. It already pays income-tax, and the only thing which this Bill would do would be to make such income liable to tax even though it were not remitted within three years of the date on which it was earned. Well, Sir, when the previous measure was under discussion, a similar point was raised, but in that case of course the effect of the legislation would have been much wider. The previous Bill would have made a much bigger difference in the existing situation than the present Bill does. When the previous Bill was under discussion, I said I was perfectly ready to consider that point in Select Committee; and I say again that I am quite ready to consider it in Select Committee now, but that I find a little difficulty in appreciating exactly what is wanted. If the Honourable Members, who have raised the point, want to take this opportunity of creating an exemption which does not at present exist, then, obviously, it would be impossible for the Government to consider it, but there may be something behind their arguments which I have not understood and, as I say, I have an open mind on the subject. I am perfectly ready to consider it, but at present I do not understand exactly what is wanted.

Then the second main point has been the point stated by my Honourable friend, Sir Cowasji Jehangir, who attacks this measure as one which really aims at the taxation of capital. I do not think it is necessary for me to say much on that point, because it has been very effectively answered in a number of speeches already made. I would only put a very simple comparison before my Honourable friend. He took the case



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of a man who had an income of £1,000 a year on investments held in England and said :

"Supposing he accumulates those receipts for ten years and then brings £10,000 to India, he will have to pay income-tax on the whole of the amount; that will be very unfair not only because the income has become capital, but because when he brings in £10,000 in one lump sum, he will have to pay at a very much higher rate than he would have paid, if he had brought it annually at the rate of £1,000 a year."

Now, I would ask my Honourable friend merely to consider the parallel case, say, of a brother of the man, whose case he has got in mind, who being perhaps fonder of investing in his own country invests exactly the equivalent sum in India and is able to save every year the income which he earns upon it. He all the time will be each year paying income-tax on that money which he is saving. I quite agree that as he puts it by, it becomes in a sense capital. My Honourable friend asked a question,—when does income cease to be income and becomes capital? I would say this—that income is always income as it is earned, and if it is not spent, but saved, then it becomes capital; and so the same money may have the quality both of income and capital. But, as it is earned, it has the quality of income and it does not lose that. To continue my example; the same amount of money is invested in India and the same rate of interest is drawn upon it and the man who holds it is paying on his receipts income-tax every year; and, at the end of the ten years, he has accumulated as capital a sum equivalent to £1,000 a year less the income-tax which has been paid upon it each year. There stands one friend Mr. A. Next door to him lives the other gentleman Mr. B. who, instead of investing his money in India, has invested it abroad. Why should Mr. B., when he brings his money back to India, be better off to the extent of something like 25 per cent. than Mr. A. who has been content to leave his money in India all the time? Sir, I entirely fail to follow my Honourable friend's argument and, if Mr. B objects to pay income-tax at the rate of £10,000 when he brings his whole savings in one lump back to India, the remedy is open to him. He can escape that heavy burden merely by bringing back his income each year as it is earned. It is when we consider these simple cases that we can realise how very fictitious the whole argument and that whole line of attack is; and I do not believe that there can be very many Members of this House who will allow dust to be thrown in their eyes to the extent of misunderstanding the position.

Sir, there is one other point as regards this question of capital and income, the point raised by my Honourable friend, Mr. Mackenzie. I do not want to commit myself finally on that point now, but it seems to me that I can commit myself to this extent that it is certainly a point that we will consider in Select Committee. My first impression is that the demand is not an unreasonable one. It is not unreasonable to say that we do not seek to give this new legislation retrospective effect. I quite admit that if we were to consider now going back without limit and treating what had originally been income as income and not as accumulated capital,—if we were to deal with this question in that retrospective way, it might operate very unfairly. When you look to the future, every man knows what the position is and can arrange his affairs accordingly. But, as regards the past, I think it is reasonable to argue that certain receipts have become capital, and I agree that it might be extremely difficult to unravel what has happened in the past and do equal justice all round. Therefore, on those grounds *prima facie* I think there is a

case in which we certainly might be able to meet the point that has been made.

I think, Sir, that is all that I need say on this subject. Further discussion of this measure can be carried on in the Select Committee and, I may say, that the nature of the points that have been raised in this discussion makes me feel that we have taken the right course in suggesting that the next stage should be consideration in Select Committee.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): The question is:

"That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose (*amendment of section 4*), be referred to a Select Committee consisting of the Honourable the Law Member, Raja Sir Vasudeva Rajah, Pandit Satyendra Nath Sen, Sir Hari Singh Gour, Sir Cowasji Jehangir, Mr. Muhammad Azhar Ali, Mr. B. V. Jadhav, Mr. R. T. H. Mackenzie, Kunwar Raghbir Singh, Mr. N. N. Anklesaria, Sir Muhammad Yakub, Khan Bahadur J. B. Vachha and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

## THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member): Sir, I beg to move:

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment), be referred to a Select Committee consisting of the Honourable the Law Member, Lala Rameshwar Prasad Bagla, Pandit Ram Krishna Jha, Mr. Lalchand Navalrai, Sir Cowasji Jehangir, Mr. S. C. Sen, Sardar Sant Singh, Mr. F. E. James, Rai Bahadur Lala Brij Kishore, Mr. Goswami M. R. Puri, Sir Abdulla-al-Mamin Suhrawardy, Khan Bahadur J. B. Vachha and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

It will appear to Honourable Members that I am following up one income-tax measure with almost indecent haste by another. As this is a very complicated measure,—it has in fact a mass of detailed provision,—I do not propose to take the time of the House by making any attempt to explain all those provisions in detail. I hope the House will agree that this is essentially a matter to be discussed in Select Committee. I would only like to explain very briefly what is the main framework of the Bill.

The provisions of the Bill, broadly speaking, fall into three categories. The first covers those provisions which are meant to give tax-payers various facilities and concessions in the matter of assessments and appeals and references to High Courts, and in the matter of refunds of tax, either paid direct or deducted at the source. That is the first category. The second category covers those clauses which are meant to check leakage of legitimate revenue, and the third category consists of those clauses which are meant to provide for administrative facilities or clarify doubts as to the meaning of certain sections of the Act as they stand at present. The majority of the provisions of the Bill, namely, clauses 3, 4, 5, 6 (a), 8, 10, 11, 12, 15, 17, proposed new section 49B, 18, 24 and 25 all those clauses are meant for the benefit of tax-payers. The latter part of clause 6, clauses 7, 9, 19, 20 and 21 fall under, what I have described as, the second category, that is to say, the clauses meant to check leakage of legitimate

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revenue, and clauses 2, 13, 14, 17, the proposed new section 49A, clauses 22 and 23 fall under the third category, that is to say, clauses designed to provide administrative facilities or clear up doubts as to interpretation.

The Bill has been circulated by Executive Order for opinion and the opinions are in the hands of all Honourable Members. As regards the first category, the clauses, which are meant to give facilities to tax-payers, naturally, the opinions received on those clauses are almost all in favour of them. The opinions on the second class of clauses, clauses that are meant to check leakage of revenue, show a certain amount of difference and raise a good many points for discussion, and those, I imagine, will be the clauses as regards which discussion in Select Committee will concentrate. All clauses of course will be fully open to discussion in Committee. It would be difficult to say that there is any main principle underlying this Bill; but the main object, as Honourable Members will understand, of the clauses of the second category, is to check evasion of tax, and they represent the results of our attempts to meet the criticisms that were made in the course of discussion made last year and the year before. Honourable Members may perhaps differ from us as regards the detailed provisions, but I am sure that there will be no difference as regards the object at which we are aiming, the object being that every body should pay fairly the tax to which he is liable and that honest tax-payers should not be penalised for the benefit of those who are clever enough to evade their proper liabilities. As I feel confident that there is no Member of this House who does not fall within the class of honest tax-payers and as the honest tax-payer must benefit if the collection of taxes becomes more efficient—for that may mean reducing the rates of taxation, I anticipate that the Bill will receive the unanimous support of this House. Sir, I move.

**Mr. Deputy President** (Mr. R. K. Shanmukham Chetty): Motion moved:

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment), be referred to a Select Committee consisting of the Honourable the Law Member, Lala Rameshwar Prasad Bagla, Pandit Ram Krishna Jha, Mr. Lalchand Navarat, Sir Cowasji Jehangir, Mr. S. C. Sen, Sardar Sant Singh, Mr. F. E. James, Rai Bahadur Lala Brij Kishore, Mr. Goswami M. R. Puri, Sir Abdulla-al-Mamin Suhrawardy, Khan Bahadur J. B. Vachha and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): There are only two points on which I should like to ask for certain information from the Honourable Member in charge. The first, I will deal with clause 4 of the Bill, which provides:

"That for clause (iv) of sub-section (1) of section 9 of the Act the following clause shall be substituted, namely:

"(iv) where the property is subject to a mortgage, or to a charge or ground rent, the amount of any interest on such mortgage or of such charge or ground rent;".

From the notes on clauses: I understand that the Honourable the Finance Member wanted to include the whole of the charge on the property to be exempted under section 9, but I do not understand why there should be a differentiation between mortgage and charge. In law they mean the same thing. If the corpus of the charge is to be exempted, why not the amount of the mortgage? I do not understand whether it is a drafting mistake or it is done intentionally.

The next point is clause 7, which inserts a new clause 20A and it insists on persons responsible for payment of any interest giving some information to the Income-tax Officer. I see no objection to that being done, but I should like that a similar provision, as is contained in clause 6, should be inserted.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Sir Hari Singh Gour.]

Then, Sir, we come to clause 21, which inserts a new sub-clause (e) designed to remove the obstacle to divulge any information obtained by the Income-tax Officer. This provision should be very carefully considered as the principle of confidential nature of the income-tax proceedings is being departed from in certain cases, *viz.*, where the Income-tax Officer inflicts a penalty upon a particular person or makes a composition. Sir, I may be right or I may be wrong, but I think that the divulging of secrets must greatly prejudice the person involved and will be based on something which the Income-tax Officer does and, for any mistake of the Income-tax Officer, he cannot be made responsible in any Court of law. Having regard to that provision, I think this provision gives a very drastic power in the hands of Income-tax Officers and I should like the Finance Member to consider that point. These are all the points which I think ought to be considered carefully, and I hope the Finance Member will see his way to meet them.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): Sir, I welcome a measure of this sort, and on this occasion, since I strongly criticised the other measure, it is my duty to express satisfaction at this one. Any measure that tends to increase in the full amount of income-tax which the law of the land levies, is a measure to be welcomed, and it will ultimately tend to proposals from the Treasury Benches to reduce the rate of income-tax. I do believe that, if the full amount of income-tax was paid in India today, as levied by law, you would get a very much higher amount on the whole than you get today. There is a great deal of evasion; it is very difficult to catch; it is very difficult to prevent; but if any measures are brought before this House that will tend to stop this evasion, they ought to be whole-heartedly welcomed. There are several points in this Bill which deserve very careful consideration and, therefore, it would be waste of your valuable time to go into them in detail. I do not propose, therefore, to criticise here certain proposals and provisions which we shall consider in detail in Select Committee. I trust that the House will send this measure to Select Committee with the confidence that those who are on it will do their best to see that, when it comes back to this House, it will be a measure that will meet with the approval of all schools of thought and will meet with the approval of not only what may be called by my friend, Mr. Joshi, the capitalists, but with the approval of men who, at least for the time being, represent labour, in which I might perhaps include my friend, Diwan Bahadur Harbilas Sarda.

**The Honourable Sir George Schuster:** Sir, the nature of the discussion makes it quite obvious that the House does not expect a reply from me at any length. I can only say that the points mentioned by my friend,

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Mr. Sen, will be carefully examined. I should like, before I sit down, to thank the last speaker, my Honourable friend from Bombay, for his generous attitude in offering support to this measure just after I had trodden on his toes in such a painful manner in the last measure that was before the House.

**Mr. Chairman** (Sir Hari Singh Gour): The question is:

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes (Second Amendment), be referred to a Select Committee consisting of the Honourable the Law Member, Lala Rameshwar Prasad Bagla, Pandit Ram Krishna Jha, Mr. Lalchand Navalrai, Sir Cowasji Jehangir, Mr. S. C. Sen, Sardar Sant Singh, Mr. F. E. James, Rai Bahadur Lala Brij Kishore, Mr. Goswami M. R. Puri, Sir Abdulla-al-Mámûn Suhrawardy, Khan Bahadur J. B. Vachha and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

### THE INDIAN WIRELESS TELEGRAPHY BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour):

Sir, I move:

"That the Bill to regulate the possession of wireless telegraphy apparatus be referred to a Select Committee consisting of Mr. T. N. Ramakrishna Reddi, Mr. Rahimtoola M. Chinoy, Kunwar Hajee Ismail Ali Khan, Rao Bahadur M. C. Rajah, Sir Leslie Hudson, Sir Thomas Ryan and the Mover, with instructions to report on or before the 28th February, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I have no doubt that the House will have observed with a sigh of relief that the Bill, for the reference to Select Committee of which I am moving, has nothing whatever to do with the recommendations of the Royal Commission on Labour. It deals with broadcasting, which, as this House is aware, is in this country at present only in its infancy. It cannot be regarded even as a lusty infant; that is clear when it is remembered that only recently it very nearly expired and that even today it is kept alive by artificial respiration, in other words, by the fact that for the purpose of the broadcasting budget we are allowed to take credit for the customs duty on wireless apparatus imported into this country. The figures on this subject will, I am sure, be of interest to the House. According to the revised budget estimate for 1932-33, the income from license fees is estimated at Rs. 73,000; whereas that from customs receipts is estimated at Rs. two lakhs. Miscellaneous receipts bring the total up to Rs. 2,80,000, against a total estimate for expenditure of Rs. 2,84,000. Now, Sir, although we hope there will be a small excess of receipts over expenditure both this year and the next year, it is impossible to agree that broadcasting can be regarded as paying its way. I am quite certain that this House will not dissent from the view that if broadcasting is to be continued, it should be continued without imposing a burden on the general tax-payer. It cannot really be so regarded—and in fact the financial position of broadcasting must be considered radically unsound—so long as we have to take credit as we have done in the figures which I have given to the House for practically the whole of the estimated customs receipts in order to show that there is a balance to the good. It would be equally justifiable if I were to claim the customs

receipts on imported telegraph equipment in aid of the receipts of the Telegraph Department. To such a procedure, my Honourable colleague, the Finance Member, and this House would very rightly take exception. It must also be remembered that the expenditure figures I have mentioned show only visible out of pocket expenditure and nothing for depreciation and interest. It will, therefore, be obvious that the need is very pressing indeed for the adoption of measures which will enable us to get an increased license revenue if we are even to meet the current expenses of the broadcasting services and it will also be obvious that we want much more again if we are to extend our service, as I should very much like to see it extended, by improving the programmes and by opening new stations. The only method that I can see, by which increased revenue can be obtained, is by ensuring as far as lies in our power that those who use the broadcasting service pay for it, and that and that only is the object of this Bill. Of the extent to which unlicensed listening-in goes on in this country it is impossible to form an estimate but there can be no doubt whatever that it is very considerable. I have in the file before me an interesting extract from a leading article in the *Hindu* of Madras, which, I was glad to see, supported whole-heartedly the principle of the Bill, in the course of which it was pointed out that unfortunately the vast majority of listeners are not in possession of licenses. The figure I have given for license fees,—Rs. 73,000—shows that the total number of listeners in this country, who pay for their licenses, is somewhere in the neighbourhood of 8,000. It may be of interest to the House to mention in passing that the corresponding figure in the United Kingdom is nearly 4½ millions. If we compare the figure of 8,000 with the millions of people who could listen in to the Bombay and Calcutta stations on the cheapest type of receiving sets, the disparity is very striking indeed . . . . .

**An Honourable Member:** What does it cost?

**The Honourable Sir Frank Noyce:** The license costs ten rupees.

**An Honourable Member:** The cheapest wireless set?

**The Honourable Sir Frank Noyce:** I am afraid I do not know: I bought one in England myself for fifteen rupees.

**An Honourable Member:** You can get it for five rupees.

**The Honourable Sir Frank Noyce:** Now, it is impossible to believe that there are not more than 8,000 wireless sets already in use in this country. The figures of customs revenue in themselves establish the contrary. Our revised estimate of the customs revenue, as I have said, amounts to Rs. two lakhs. This shows that the number of receiving sets in use must be very rapidly increasing and it, therefore, I venture to think, establishes very convincingly the necessity for this Bill. I do not think that the time has yet come when we can reduce the customs charges, but I am quite certain that the proper policy is to reduce them and so to cheapen the cost of receiving sets as soon as practicable. That we cannot do until we improve our revenue from licences, and this Bill, as I have explained, is designed to help us in taking the necessary action. Sir, I move.

**Mr. Chairman** (Sir Hari Singh Gour): Motion moved:

"That the Bill to regulate the possession of wireless telegraphy apparatus be referred to a Select Committee consisting of Mr. T. N. Ramakrishna Reddi, Mr. Rahimtoola M. Chittoy, Kunwar Hajee Ismail Ali Khan, Rao Bahadur M. C. Rajah, Sir Leslie Hudson, Sir Thomas Ryan and the Mover, with instructions to report on or before the 23th February, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. F. E. James** (Madras: European): Mr. Chairman, I should like to congratulate the Honourable the Mover on making this motion to refer this Bill to a Select Committee, and I only want in a few words to make two points for his consideration. The first point I want to make straight-away is that I do not consider that in this country broadcasting will develop on the basis of individual listening. I feel that very strongly, and, coming from Madras, I am in a position to say that we have had some experience of what one might call mass education and entertainment.

It may be within the knowledge of the House that the Madras Corporation, largely owing to the initiative of one of the most brilliant Members of this Assembly, Diwan Bahadur Ramaswami Mudaliar, has for some time now been running a municipal broadcasting scheme, and the whole basis of that scheme is not individual listening, but mass education and mass entertainment. We have considered it to be a perfectly legitimate charge upon the public revenues of the Madras Corporation to give entertainment and education to the poor, and if the Honourable Member could be present either on the Madras beach or in one of the Corporation Schools or in one of the public parks when a musical programme of Indian music or an explanation of some Indian mythological story was being given, I am sure he would realise that this principle of mass education and entertainment through loud speakers is of far more importance than the development of the individual listener's programme. I may say, Sir, that not only in Madras, but in other places as well are experiments being tried. I understand that in the Punjab Mr. Brayne is working out an experiment along these lines, and that in Poona the authorities of the Young Men's Christian Association are similarly experimenting in broadcasting programmes by means of loud speakers in villages in a selected area. Now, Sir, recently the Madras Corporation has been impelled to look beyond the borders of its own town, and they have put forward a scheme for a wider system of broadcasting than at present they are engaged upon. This naturally has gone to the Local Government, and in connection with that, the Madras Branch of the European Association, which has been taking a great interest in this question of broadcasting, has placed before the Local Government a report on a scheme for a provincial or South Indian broadcasting system which would cover the whole of the Madras Presidency, and possibly, if their co-operation were sought, Travancore, Cochin and Mysore. Then you would have a huge area covered by a broadcast system which would not depend upon the sale of licences to individual listeners, but would depend upon the distribution of loud speakers in villages and small towns through local bodies and through the educational authorities. We consider in Madras that such a scheme would be a perfectly legitimate charge upon public funds. The House should consider what such a proposal would mean in the way of education, in the way of public health, in the way of information regarding agriculture, industry, meteorology, etc.

I would refer the Members of this House to the reference to broadcasting which was made in the Director of Public Information's Book, "India in 1930-31". In the Simon Commission also great stress was laid upon the necessity of utilising this tremendous power for the benefit of the illiterate masses, and I venture to suggest that if the experience of other countries were taken into account, particularly Japan, Siam, Russia, Italy and Poland, where this system has developed, the Indian State Broadcasting Service would have something far more to consider than they have at present. My first point, therefore, is to urge upon the Honourable Member a consideration of the wider aspect of this whole broadcasting system. I am convinced that, on the present basis of individual listening, on the present basis of a mainly English programme, the State Broadcast Service cannot do what broadcasting ought to do for the people in towns and villages.

Then, Sir, the second point I want to make is this. When we placed this report,—and I shall have pleasure in handing a copy to the Honourable Member,—when we placed this Report before the Government of Madras, naturally the financial aspect of it was their first consideration. I do not say that it was their sole consideration, but naturally it was their first consideration, and one of the points which was raised at the very outset of our negotiations was that, if they, as a Provincial Government, developed their own broadcasting service, what would happen to all the license fees, which are at present collected by the Government of India, and which might be taken out in increasing numbers as a result of attractive vernacular programmes in the South. Therefore, I would ask the Honourable Member, to consider the question as to whether it will be possible, in the case of a Provincial Broadcast Service, for some part of the license fees to be given back to the Provincial Government which would be incurring the greater part of the expenditure in that particular area.

There is one other point that I might mention before I sit down, and it is of some importance to the Honourable Member in charge. I have said already that I do not think that you can depend upon the individual listener for the extension of the broadcast service, and I repeat again that I believe that an efficient broadcast service should be an essential charge upon the revenues of the country if the Government or the people of this country are going to meet the new democratic conditions which are coming into force and to combat the terrible evil of mass illiteracy. But there is a further consideration and that is this. While that may be true, I believe that in the scheme of Empire broadcasting, which the B. B. C. is now putting into operation and which we hope will develop ultimately into a far more effective thing than it is at present—in that, I think there is likely to be an opportunity for an increase in the number of private receiving sets and, therefore, a corresponding increase in income from the licensees. The kind of programme which is broadcast by the Empire Broadcasting Station will be the kind of programme that will appeal more fully to the educated people of this country; and thus you will find a corresponding increase in the number of licensing sets. I should like to ask the Honourable Member in charge whether he is satisfied with the present arrangements which are made in regard to the relaying of these programmes. I would further like to ask him whether he considers it possible for the necessary adjustments in the time of the local and Empire transmissions to be effected in the near future so that this programme may be made available to the educated classes of this country at a more



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appropriate time and in a more effective manner. With these observations, I whole-heartedly support this Bill, and I trust that, in dealing with this matter, the Honourable Member in charge will not lose sight of the wider aspect of one of the most important developments in modern times. (Cheers.)

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhammadan): Sir, I confess I had no time to look into this Bill at home, but since my Honourable friend, Sir Frank Noyce, made his speech, I have had time to go cursorily into it. (Laughter.)

I find that this Bill seeks to give effect to a recommendation which I myself made in one of my speeches on a former occasion. (Hear, hear.) The General Purposes Retrenchment Committee, for whose work I have great admiration, amongst their many recommendations, made two specific recommendations to which I took exception on the floor of the House. One was the closing down of the State Broadcasting Service, and the other was a curtailment in the activities of the civil aviation. On these two points I took exception to their recommendations. I am glad to see that the Honourable Member-in-charge of the Department after all consented to retain the Broadcasting Service. When I go to Bombay or Calcutta, I make it a point to have a look at the broadcasting stations located in those places. I am glad to testify to the good work which they are doing. In these days the broadcasting service has become more than a luxury; it has become almost a necessity of daily life. In schools and colleges and in other directions the utility of broadcasting service would be very great. I read in one of the broadcasting magazines or somewhere else that in the matter of railway advertisement the broadcasting service might be made useful. I am also glad to know that the customs duties, which we imposed on the import of these broadcasting materials, have yielded a substantial revenue, and I recognise that the broadcasting service, if it is to succeed as an independent institution, must not be a burden on the general tax-payer. It is, therefore, quite proper that the license fees, if necessary,—I also made that suggestion—if it was insufficient, might be raised to a small extent, and that steps should be taken to see that piracy was not resorted to as far as possible.

In this Bill there are two important clauses. Clause 3 prohibits the possession of wireless telegraphy apparatus without license. It is not uncommon that people keep sometimes these apparatuses without paying any license fee. Two or three years ago, I was travelling with a friend of mine in the Bombay Presidency and other places. That friend of mine had a wireless apparatus set without a license, and we had the pleasure of listening to the programme from Bombay and Calcutta almost every evening. Of course, I enjoyed the entertainment, but in order to enable the broadcasting service to exist on a financially sound footing, piracy must be put a stop to as far as practicable. Clause 3, as I have said, seeks to achieve this object. Clause 6 seeks to impose a fine which may extend to two hundred rupees for the first offence, and imprisonment, which may extend to three months or with fine which may extend to five hundred rupees or with both, in the case of a second or subsequent offence. While fine may be salutary, I do not know whether imprisonment in a

case like that would be quite suitable. The only clause which I have not been able to understand quite well is clause 7 which gives power to a Presidency Magistrate, a Magistrate of the first class, or a Magistrate of the second class, specially empowered by the Local Government in that behalf, to issue a warrant for the search, whether by day or by night, of any building, vessel or place in which he has reason to believe that any wireless telegraphy apparatus is kept or concealed. I quite recognise that without an authority of this kind it would be very difficult to enforce the provisions of this Bill. But knowing as we do some of the vagaries of the police, I am not sure whether a clause like this is not liable to be misused. The Select Committee should look into these matters, and try to protect the legitimate income of the broadcasting service, while, at the same time, it should devise some procedure whereby no abuse of the provisions of this clause, if it is passed into law, takes place. The Select Committee is the proper place to go into these matters, and I hope that all aspects of the case will be considered there. I also hope that this measure, when put on the Statute-book, will not be liable to any serious misuse, and it will help in placing on a sound footing the financial resources of the broadcasting service. With these few words, I support this motion. (Cheers.)

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): I take this opportunity to press one point on the Government, and that is to increase the number of transmitting stations. At present we have got only two transmitting stations in India, that is, Bombay and Calcutta, and there is a small station owned by the Corporation of Madras. I spent some years ago a fortnight over this particular question. I inspected all the apparatuses in the B. B. C., London, and practically all the apparatuses at the Funken Hans at Berlin, and I came to the conclusion that all these apparatuses, cheap or expensive, work quite satisfactorily within a distance of 200 miles from the transmitting station, but, when the transmitting station is situated at a distance of over 200 miles, we require a very clever man to adjust the wave lengths. At one time you can catch anything from London, from New York, or any other part of the world, but at another time you may not be able to catch even from Bombay or Calcutta. It requires a very minute adjustment for longer distances which a layman cannot do; and, unless we have a larger number of transmitting stations, it is exceedingly difficult to derive the full benefit from these licenses, and full benefit from these apparatuses. After wasting a fortnight, I decided that I should not purchase any apparatus, till the Government of India increased the transmitting stations. My second argument in favour of increasing the number of transmitting stations is the language difficulty. If this thing is likely to be useful to the people, then most of the things ought to be transmitted in the language of the province. Therefore, it is very desirable that there should ultimately be at least one transmitting station in each province and, if this cannot be done immediately, at least the number may be increased from two to five in the near future. We should certainly have one in Delhi and it will lead to the sale of at least 2,000 licenses. It will be possible for men, who are not themselves experts, to adjust their apparatus themselves and catch the sounds. I would like to press it very hard that if these transmitting stations cannot be increased to one for each province, the number may at least be increased to five in the near future.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir Hari Singh, in addressing you, I follow the usual Parliamentary practice. We on this side of the House are for reference of this Bill to a Select Committee, and in the Select Committee the clauses of this Bill should be subjected to very careful scrutiny. Before I go into the discussion of this Bill, I should like to refer to what my friend, Mr. Gaya Prasad Singh, said about the General Purposes Subcommittee of the Retrenchment Committee. It is a fact that the General Purposes Subcommittee had to recommend even for the abolition of the State Broadcasting System, but they did it very reluctantly. It was suggested by that Committee that if it was not possible to make it pay its own way, then, in the present depressed condition of the Government's finances, there was no other course left but to curtail some of these very useful branches of Government activities.

Sir Hari Singh, it is not necessary for me to tell you that we on this side of the House should guard ourselves against the possibility of even this innocent measure having been used as an instrument of torture. I shall make my position perfectly clear. Now, the right is given under the present Bill to the Government to issue or withhold licenses. We all know from our experience in the matter of securing licenses for the use of arms that merely on political grounds people suffer in getting licenses for arms. It is considered by some Government officers as a great privilege to be conferred by the granting of license. It is conferred on a favoured few who can claim some titles or some Government favours. I warn the House that, in making rules, if Government take to that idea, then the public will very much suffer. Now, it is the Telegraph Authority who shall be competent to issue licences. It is not a personal question at all. I have the greatest confidence in the head of the Postal Department, Sir Thomas Ryan. It is no reflection on him. I know that so long as he is there, there will be no injustice, but, on general principles, I say that some of the sections of the Postal Act have also been prostituted in political matters, for example, the withholding of telegrams sometimes merely on political grounds. It has been said even in this House that important telegrams were sometimes withheld under some innocent sections of the Postal Act on the ground that the information was inaccurate. Even the other day, in reply to a question about troubles in Aden, the Honourable the Home Member said that it was found that the information was exaggerated and that that was the reason for withholding the message under the Postal Act. So, they withheld some messages. I appeal to the Government that, in making rules, the powers given under this section may not be misused or abused. As my friend, Mr. Gaya Prasad Singh, has very cogently argued, broadcasting is not a luxury now a days. It is really a necessity.

[At this stage Mr. Deputy President (Mr. R. K. Shanmukham Chetty) resumed the Chair.]

It is of great advantage to Indians, as it helps our educational institutions, in educating the masses on matters of agriculture and in other things of scientific interest. It is being utilised in other countries more as an educative instrument, and we expect that in the near future broadcasting will be utilised in India from a broader educational standpoint. As regards the licence, as contemplated in section 5, I like to press this view that on account of political or other considerations the right of the

people to get licences should not be unduly restricted. In sub-clause (3) of clause 6, it is said:

"In the trial of an offence under this section, whether the accused is convicted or acquitted, the Court shall decide whether any apparatus in respect of which an offence has been committed should be confiscated, and, if it so decides, may order confiscation accordingly."

It is very difficult for me to understand why, when the accused is acquitted, the right should be given to the Court to confiscate the apparatus. Then, in sub-clause (4) it has been suggested:

"Court inflicting a fine as punishment for any offence under this section may direct that the amount of the fine or any part of it shall be paid to the prescribed authority to be utilised for the benefit of the Indian State Broadcasting Service."

Instead of making it optional with the court to award only a part, the whole amount should go to the Broadcasting Service. In clause 7, power has been given to Presidency Magistrates, First Class Magistrates and Second Class Magistrates to issue a search warrant by day or by night. On general grounds, power should not be given to search any place at night, because in providing for all these cases we must be sure that they will not be used as instruments of tyranny. Some people, from motives which are not high, may put people to much trouble by conducting searches at night. If possible, these searches at night should be avoided. These are the suggestions that I should like the Select Committee to consider. My main ground is that this innocent provision may not be utilised on political grounds and I hope the Select Committee will refer this Bill back to the House in a way that there may not be any objection from anybody to pass it. Sir, I support the principle of this Bill and the idea which actuated Government to bring it before this Assembly.

**Mr. B. V. Jadhav** (Bombay Central Division: Non-Muhammadan Rural): Sir, I heartily support the motion of my Honourable friend, Sir Frank Noyce, that the Bill be referred to a Select Committee. Broadcasting is very useful, as has been stated here by the Honourable Member from Madras. In mass education this wireless can be made very great use of and it is well-known how, in their zeal for the promotion of mass education, the Soviet Republic of Russia made use of the wireless and also of the cinema for the purpose of diffusing general education to the illiterate masses. As the Indian peasant is also in the same difficulty, Government and the people ought to make use of these modern scientific contrivances to broadcast knowledge to the masses. In this respect, Sir, the philanthropists also can take their hand. I saw in Sukkur that a local philanthropist there kept a set in a garden of his at that place and he kept that garden open for the general public who are also allowed to make use of his wireless set. So the people of Sukkur have got the advantage which they can enjoy whenever they go out in the evening to take a stroll in his garden and thus learn something and, at the same time, have entertainment for themselves. So, in this way, philanthropist in towns and cities may help their poor brethren by providing such facilities for them. But, in order to make wireless popular, Government ought not to see solely to the realization of adequate revenue.

One of my friends here, Sir, pressed his view that this wireless ought to be made self-supporting and that it should not be a burden on the revenues of the Government. I think, Sir, that principle ought not to be accepted in its entirety. This is a means of educating the people, and,

[Mr. B. V. Jadhav.]

therefore, it is incumbent on the Government to bear some portion of the cost. Of course I shall not say that the whole burden should be on the public revenues, but at all events the Government ought to bear a portion of the revenues. Now, some portion of the income is derived from licensing fees. It is Rs. 10, I think, per set, and I think the suggestion\* that these licensing fees should be increased is not worthy of our support. The fee ought not to be increased at all, but it deserves some reduction. At the same time, it is found that a large number of people are evading payment and are making dishonest use of the sets they have. One of the reasons why such people are induced to make a dishonest use of wireless apparatus is, I think, the high import duty that is levied. The duty is somewhere about 60 per cent., I am told. So, as they have to pay an inordinately exorbitant price for purchasing their sets, they want to make some money by withholding payment for license fees. If it is the intention of Government that people should make use of wireless on a very large and extensive scale for the purpose of entertainment as well as education, then the cost ought to be reduced, and, when it is reduced, I think, people will come forward in larger numbers to purchase sets and to enjoy the benefits of wireless. But, then, if the import duty is reduced, it means a big hole in the revenues from wireless. So it is a problem for the Government how to adjust these two things. The present measure is a good one and deserves support of all right-minded people, because those, who enjoy the benefits of these amenities, ought to pay honestly for what they enjoy, and, therefore, I heartily support this measure.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): Sir, I am sorry I cannot congratulate my friends opposite upon this Bill. We all know, Sir, that broadcasting machines can be used for various purposes,—for purposes of education, for purposes of public health and for other salutary purposes, and it is necessary, therefore, that the sale and use of broadcasting sets should be advanced rather than restricted. But this Bill does not meet any of these points; it is merely a Bill for the purpose of realizing revenue in respect of the licensing fees for the use of these broadcasting sets.

Sir, this is the first time, I find, that for realising licensing fees in connection with the use of innocent machines resort to the police court should be had by the Legislature. Now, we have to take out licences for various things,—for our motor cars, for our carriage and horses, for professions and for various other things and, if any such provision is to be inserted that those who fail to take out licences or to pay for their licences should be sent to prison, then I do not know how many people would be present here today. Sir, my first objection to this Bill is its penal nature and that for the mere collection of the licence fees as would appear from the Statement of Objects and Reasons, and for the proper and prompt realization of licensing fees people may be sent to prison. Now, cannot that purpose, *viz.*, the collection of the fees be served in any other way except by making provisions for sending people to jail, for confiscating their sets and for searches by police officers? Sir, this principle of taking the help of the police I can never accept and I hope that, on mature consideration, my Honourable friend, Sir Frank Noyce, will consider that the drastic provisions which he has made in this Bill ought not to find a place in legislation under any civilized Government. That is my first objection.

It has been provided that one cannot keep a machine without a licence as if a broadcasting set stands on the same footing as an arm; secondly, if I keep a machine without taking out a licence, I am liable to pay a penalty of Rs. 100 for the first time, then imprisonment for the second time, and then the police may issue a search warrant for searching my premises, and then, if I am convicted, the machinery and the set will be confiscated. These are very fine provisions, Sir, for the purpose of merely realising, say, Rs. 10 from me which I may have forgotten to pay. Sir, why don't they extend the provisions of this Bill to other classes of Government dues in order to facilitate the collection thereof? Then, Sir, instead of making these drastic provisions, why cannot they think of other methods of collecting the fees? They could license the persons who deal in such apparatus and ask them not to sell it to any person who has not got a licence or ask them to give information to the Broadcasting Department as soon as a particular machine is sold to a particular person. That would meet their purpose. Instead of making these drastic provisions which would deter people from buying these sets, the method, I suggested, can be applied and may meet their purpose. So my earnest appeal to them is to give up the drastic provisions of this Bill and make such changes in the Bill as will not affect the rights and liberties of the people. That is my first objection. I have no objection to their collecting licences by putting fines or penalties upon the people as is done in Calcutta at present on motor licences; if I fail to take a licence within the proper time, I am liable to pay a fine of Rs. 50. They can make that provision here. But to have provisions for search warrants by the police and prosecution, as they have put here, are monstrous. With these remarks, I hope the Honourable Member in charge will allow all these alterations to be made in Select Committee, and, therefore, I have no objection to the reference of this Bill to Select Committee.

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadian Rural): Sir, I have also to make one or two observations in this matter. In the first place, I feel with my Honourable friend, Mr. Sen, that the punishment proposed to be given to people who keep wireless sets without licence is rather drastic. It is quite sufficient if the apparatus is removed from the owner and confiscated. The licence fee is only Rs. 10 while the apparatus is always worth ten times, if not more than, the fee; and it will more than serve the purpose if Government confiscate the apparatus.

Another suggestion is that under clause 4 schools and colleges should be statutorily exempted from the payment of fees. The time is not far distant when, under the auspices of the Directors of Public Instruction, lectures on hygiene, sanitation and other subjects of useful and educational character will be broadcasted throughout the provinces. It is, therefore, in the interests of education that the schools and colleges should be exempted from these licence fees. I trust these questions will be fully considered in the Select Committee, and I have great pleasure in supporting the motion before the House.

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadian Rural): I had no intention of speaking on this motion, but after hearing my Honourable friend, Mr. Sen, I have made up my mind. I must say that the broadcasting industry is very necessary for India and it should be encouraged rather than discouraged. On that ground, I feel that this penal provision

[Mr. Lalchand Navalrai.]

is uncalled for. There are other ways of recovering licence fees, by means of attachment through the civil court, or by the way suggested by my Honourable friend which is the best one. Before selling an apparatus to any man, the seller should insist upon the licence being produced, and that will remove all risk. Further, we find that for the first offence the penalty, as we find in clause 6, is Rs. 200 and then three months' imprisonment. This is too hard and severe and should be modified by the Select Committee. Then, there is the provision of power to search and confiscate the apparatus. This is absolutely discouraging this industry. In the very beginning, such a stringent measure should not be enacted and I would, therefore, submit that when it is intended that broadcasting should be increased and that everybody should take advantage of it, it is really necessary that we should proceed very cautiously. I hope the Honourable the Mover of the Bill will consider this very carefully and seriously. I further think, no licence is necessary for possessing these apparatuses. If the licence is not issued, there will be several other ways of check. There are inspectors who can take that duty upon themselves and see that no breach occurs in what is required by the law. In these circumstances, I support the views of my Honourable friend, Mr. Sen.

**The Honourable Sir Frank Noyce:** Sir, at this late hour I do not propose to accept one of the two invitations that my Honourable friend, Mr. James, extended to me. I do not propose to discuss the wider aspects of broadcasting. Mr. James has, I have, no doubt, read what the Royal Commission on Agriculture, with which I had something to do, said about it; and he will gather from that that I realise as much as he does the part that broadcasting can play in the development of this country in every direction. The second invitation he extended to me is one that I hope in due course to accept with very great pleasure, and that is to see what the authorities in the Presidency from which he and I both come are doing in the direction of putting broadcasting to the best possible uses. I hope some day, in the not far distant future, to do that under his guidance.

There is one point that I should like to make quite clear. When I said that broadcasting should not be a charge on the general tax-payer, I had in mind the revenues of the Central Government. I have every sympathy with my Honourable friend, Mr. James, in his desire to get Local Governments to use it for the purposes he mentioned. My point is that Central revenues cannot be expected to bear the cost of doing that, and that those who listen to the programmes, that we provide from our broadcasting stations, ought to pay for them.

Mr. James put two other definite questions to me. He asked me what view the Government of India would take if Local Governments started their own broadcasting stations and whether we should be willing to give them back any part of the licence fees. I can assure him that our object is to extend broadcasting as much and as rapidly as we can, that we should welcome any assistance that Local Governments can give us in that direction, and that I have not the slightest doubt that we should be able to come to a suitable arrangement in regard to licence fees. I should be prepared to consider most sympathetically any proposals put forward with that end in view, because I am quite certain that it will

be a very long time to come before our Central Broadcasting Service can open up sufficient stations for the whole of India or indeed any very large part of it. And that brings me to a point raised by Dr. Ziauddin, of whose versatility the House has again had evidence. I entirely agree with him that it is desirable that we should increase the number of broadcasting stations, and the whole object of this Bill is to obtain funds from which we can find the money to do so. Mr. James mentioned another rather technical point. He asked me if I was satisfied with the present arrangements in regard to the relaying of programmes. Well, Sir, I am not as expert in these matters as he is, and as the State has not provided me with a wireless set, I had not had any opportunity of finding out for myself how things are going on. But I think it will interest him if I say that we are shortly expecting in this country a representative of the B. B. C. and that we propose to discuss with him the exact points that Mr. James mentioned.

My Honourable friend, Mr. Gaya Prasad Singh, for whose support I am, as I always am, very grateful, suggested that we might raise the license fees. I think that that, if I may say so with all respect, is exactly what we ought not to do at this moment. Just at this time, when we are trying to bring in fresh people, when we are trying to stop illicit listening-in, we do not want to encourage it by raising our fees still higher. As a matter of fact, I consider that the fee is already rather high, though I do not quite see how that can be avoided in the present conditions. I believe that the fee in England is only 10s. 6d., whereas we have to charge Rs. 10. I should like to see our fee brought down, and I hope that when we get a little nearer to those 4½ million listeners-in that I mentioned, we shall be able to do something in that direction.

Mr. Mitra seemed to see some Machiavellian purpose behind this Bill. I thought myself it was lucid enough; I have hitherto been associated with no machinery for torture.

**Mr. S. C. Mitra:** I meant nightly searches.

**The Honourable Sir Frank Noyce:** Mr. Mitra seemed to think that we were going to make a discrimination in regard to the grant of licences. I think I can completely reassure him on that point. We want all the licensees that we can get. There is no intention of refusing a license to anybody who is prepared to go to a Post Office and pay Rs. 10 for it. Mr. Mitra can be quite certain that politics does not enter into this subject at all; it is merely a question of hard cash.

I found a little difficulty in following my Honourable friend, Mr. Sen's objections to licensing. He seemed to me to object to the whole system, and both he and my Honourable friend, Mr. Lalechand Navalrai, seemed to think that it is possible to do something better. Our whole object is to prevent people from getting something for nothing, and I do feel that that is a legitimate object. And the only way we have been able to devise is to make the possession of wireless apparatus without licence an offence. I can assure both those gentlemen who made the suggestion that we should try to do so by forbidding dealers to sell to people without licence, that that suggestion has been most carefully considered, but unfortunately it has not been found possible to adopt it for two simple reasons. One is that it makes the dealer a kind of inquisitor. It makes him unpopular with the people to whom he sells his stuff and, therefore, such a system would be bound to break down in practice.



**Mr. Lalchand Navalrai:** The penalty is too much.

**The Honourable Sir Frank Noyce:** I will come to that later.

Another and a more cogent reason is that it is possible to make your own wireless set and that a great many people do it, and how can we stop them? Again, when a man buys a set, he may have a licence, but the licence is a yearly one, and how are you going to trace possession of the set covered by it after the first year? It is for these reasons that we have been unable to adopt a suggestion which looks at first sight a very good one that we should throw the onus on the dealer and not on the purchaser.

I think, Sir, that covers most of the points which have been raised by the speaker, in the course of this discussion, with the exception of the point that our penalties are too high, and also that searches should be confined to the day and not be done at night. As regards penalties, I would assure the House that I shall be very willing, if that is a feeling in the Select Committee, that they are too high, to yield to it and to reduce them. These points are emphatically points for the Select Committee and that is why we have moved this motion to refer the Bill to the Select Committee.

In conclusion, Sir, I should like to thank the House for the support that it has given to my motion.

**Mr. Deputy President (Mr. R. K. Shanmukham Chetty):** The question is:

"That the Bill to regulate the possession of wireless telegraphy apparatus be referred to a Select Committee consisting of Mr. T. N. Ramakrishna Reddi, Mr. Rahimtoola M. Chinoy, Kunwar Hajeer Ismail Ali Khan, Rao Bahadur M. C. Rajah, Sir Leslie Hudson, Sir Thomas Ryan and the Mover, with instructions to report on or before the 28th February, 1933, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 20th February, 1933.

## LEGISLATIVE ASSEMBLY.

*Monday, 20th February, 1933.*

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The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Chairman (Sir Hari Singh Gour) in the Chair.

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### MEMBERS SWORN.

Lieut.-Colonel Sir Henry Gidney, Kt., M.L.A. (Nominated Non-Official): and Mr. D. N. O'Sullivan, M.L.A. (Bombay: European).

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### QUESTIONS AND ANSWERS.

#### CONCESSIONS ON THE JODHPUR RAILWAY.

327. **\*Nawab Naharsingji Ishwarsingji:** Are Government aware that the Jodhpur Railway Company does not give the same concessions as the Bombay, Baroda and Central India, the North Western and other Railways do in the matter of fares during *Holi*, *Diwali* and the Christmas holidays? If so, what action do Government propose to take in the matter in the interest of the travelling public?

**Mr. P. R. Rau:** The concessions given by different Railways vary considerably. The grant of such concessions, is a matter entirely within the discretion of the Railway Administrations concerned, according to the conditions obtaining on their lines, and Government see no reason for their intervention in the matter. I should add that my Honourable friend is mistaken in thinking that the Jodhpur Railway is worked by a Company. It is directly managed by the Jodhpur Durbar.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member if he knows any reason for this exception made by that Railway?

**Mr. P. R. Rau:** As I have already informed the House, the question of granting concessions is for each Railway Administration to decide after taking into consideration the peculiarities of the line: it is purely a question of whether they expect more traffic by giving these concessions.

**Mr. Lalchand Navalrai:** What I want to know is whether the Honourable Member is in possession of the information as to why they are an exception?

**Mr. P. R. Rau:** I am not in possession of the information.

**Diwan Bahadur A. Ramaswami Mudaliar:** Am I to understand that the Government do not feel themselves competent to interfere in a matter where concessions are given by individual companies, or that it is a matter of policy for the Government to leave discretion to these Companies?

**Mr. P. R. Rau:** This is a line belonging to the Durbar, not to a Company.

**Diwan Bahadur A. Ramaswami Mudaliar:** I am not speaking of this line in particular: I am asking with reference to the answer given by the Honourable Member, that the matter rests with the various Companies, and I am asking the question; am I to understand that these Companies are free to give whatever concessions they consider necessary or that the Government have no power to direct the Companies to give particular concessions in Company-managed or State-owned Railways, or is it merely the question of policy to leave the discretion with these Administrations?

**Mr. P. R. Rau:** The question of powers is a matter of interpretation of the various contracts with the Companies; but, as a matter of policy, Government do not interfere with details of this sort.

**Mr. Lalchand Navalrai:** Have Government given any money or aid to this Company?

**Mr. P. R. Rau:** There is no Company so far as this question is concerned.

**Dr. Ziauddin Ahmad:** May I ask whether the fact that a concession should or should not be given on particular holidays is initiated by the Railway Board or by the Agent?

**Mr. P. R. Rau:** I believe it is initiated usually by the Agent, and the Local Advisory Committee usually takes this matter up. This is a matter pre-eminently suitable for discussion in the Local Advisory Committee.

**Maulvi Muhammad Shafee Daoodi:** Which is the final authority in these matters?

**Mr. P. R. Rau:** The Railway Administrations are competent to grant these concessions within certain limits.

**Mr. M. Maswood Ahmad:** Is this Railway under the control of the Railway Board?

**Mr. P. R. Rau:** If they want, for instance, to go beyond certain minimum fares laid down, they have to get the sanction of the Railway Board.

**Mr. M. Maswood Ahmad:** Have Government got any share in this Company?

**Mr. P. R. Rau:** As I have already mentioned to the House, there is no Company concerned in this Railway.

BOOK ENTITLED "ALWARNAMA".

328. \***Mr. M. Maswood Ahmad:** (a) Have Government received the book "Alwarnama"?

(b) Have Government gone through the book?

**Mr. H. A. F. Metcalfe:** (a) Yes.

(b) Yes.

**Mr. N. N. Anklesaria:** Have Government come to any decision in the matter?

**Mr. H. A. F. Metcalfe:** I am not in a position to make any statement on the subject.

CASUALTIES IN EACH PROVINCE INCURRED BY THE MILITARY, ETC.

329. \***Mr. S. C. Mitra:** Will Government please lay on the table a statement of the number of cases in each province where casualties had been incurred by the military and the number and nature of casualties on the part of the military and the public and the rioters during the year 1931-1932?

**The Honourable Sir Harry Haig:** I lay a statement on the table giving information in my possession regarding casualties among the public as a result of communal riots and other disturbances during the years 1931 and 1932.

Information regarding casualties among the military is being obtained and will be laid on the table in due course.

*Statement showing the number of casualties among the public as a result of communal riots and other disturbances during the years 1931 and 1932.*

| Province.                              | Number<br>of<br>cases. | AMONG THE PUBLIC<br>OR RIOTERS. |          | Remarks. |
|--|------------------------|---------------------------------|----------|----------|
|  |                        | Killed.                         | Wounded. |          |
| 1931.                                  |                        |                                 |          |          |
| Madras . . . . .                       | 4                      | 7                               | 13       |          |
| Bombay . . . . .                       | 6                      | 1                               | 310      |          |
| Bengal . . . . .                       | 1                      | 1                               | 29       |          |
| United Provinces . . . . .             | 10                     | 336                             | 1,226    |          |
| Punjab . . . . .                       | 4                      | 8                               | 54       |          |
| Bihar and Orissa . . . . .             | 1                      | ..                              | 1        |          |
| North-West Frontier Province . . . . . | 1                      | 7                               | 37       |          |
| Coorg . . . . .                        | 1                      | 3                               | 76       |          |

*Statement showing the number of casualties among the public as a result of communal riots and other disturbances during the years 1931 and 1932—contd.*

| Province.                      | Number of cases. | AMONG THE PUBLIC OR RIOTERS. |                                     | Remarks. |
|--------------------------------|------------------|------------------------------|-------------------------------------|----------|
|                                |                  | Killed.                      | Wounded.                            |          |
|                                |                  | 1932.                        |                                     |          |
| Madras . . . . .               | 1                | 1                            | 2                                   |          |
| Bombay . . . . .               | 5                | 251                          | 2,681                               |          |
| Bengal . . . . .               | 22               | 26                           | 90                                  |          |
| United Provinces . . . . .     | 7                | 9                            | 110                                 |          |
| Punjab . . . . .               | 1                | 14                           | 11                                  |          |
| Bihar and Orissa . . . . .     | 3                | 20                           | 40                                  |          |
| Assam . . . . .                | 1                | ..                           | 1                                   |          |
| North-West Frontier Province . | 1                | 2                            | Several injured (number not known). |          |

*N.B.*—Full information regarding Burma is not available.

#### IMPORT OF SUGAR CANDY INTO BRITISH INDIA.

330. \*Mr. Rahimtoola M. Chinoy: Will Government be pleased to state:

- (a) the quantity of sugar candy imported into British India :
  - (i) during the fiscal year 1931-32, and
  - (ii) during the nine months, 1st April to 31st December, 1932;
- (b) the average prices at which imported sugar candy was sold during these periods; and
- (c) the names of the countries from which sugar candy was imported?

**The Honourable Sir Joseph Bhoré:** (a) and (c). Imports of Sugar Candy are not shown separately in the Sea-borne Trade Accounts. A Statement giving such information as it has been possible to collect specially is laid on the table.

(b) The Government of India have no information regarding selling prices but the average declared values per hundredweight of imports into Madras, Sind and Burma have been calculated to be as follows:

|                                   | Rs. A. P. |
|-----------------------------------|-----------|
| In 1931-32 . . . . .              | 13 13 0   |
| In April—December, 1932 . . . . . | 9 8 0     |

Statement showing the quantity of Sugar Candy imported into British India so far as figures can be obtained:

|                                | From<br>Japan.  | From<br>other<br>countries. | Total.     |
|--------------------------------|---|-----------------------------|------------|
|                                | Tons. Cwt.  | Tons. Cwt.                  | Tons. Cwt. |
| <i>Into Madras.</i>            |   |                             |            |
| 1931-32 . . . . .              | ..  | 5 1                         | 5 1        |
| April—December, 1932 . . . . . | 0 1   | 14 11                       | 14 12      |
| <i>Into Sind.</i>              |   |                             |            |
| 1931-32 . . . . .              | ..  | 11 17                       | 11 17      |
| April—December, 1932 . . . . . | 90 0  | 6 11                        | 96 11      |
| <i>Into Burma.</i>             |   |                             |            |
| 1931-32 . . . . .              | ..  | 235 8                       | 235 8      |
| April—December, 1932 . . . . . | ..  | 123 4                       | 123 4      |
| <i>Into Bombay.</i>            |   |                             |            |
| 1931-32 . . . . .              | (Figures obtained from<br>the Chamber of<br>Commerce, Bom-<br>bay. Countries of<br>origin not specified.) |                             | 590 18     |
| April—December, 1932 . . . . . |   |                             | 405 8      |
| <i>Into Calcutta.</i>          |   |                             |            |
| 1931-32 . . . . .              | } Figures not recorded.   |                             |            |
| April—December, 1932 . . . . . |   |                             |            |

Mr. Rahimtoola M. Chinoy: Question No. 381.

Dr. Ziauddin Ahmad: May I know, Sir . . . .

Mr. C. S. Ranga Iyer: On a point of order. Sir: I hear the Honourable gentleman, Mr. Rahimtoola M. Chinoy, saying "Question No. 381." and, therefore, I believe his question stands and no supplementary questions can arise on the previous question.

### FACTORIES IN BRITISH INDIA MANUFACTURING SUGAR CANDY.

331. \*Mr. Rahimtoola M. Chinoy: Will Government be pleased to state:

- (a) the number of factories in British India at present manufacturing sugar candy;
- (b) the total number of men employed in this industry;
- (c) the total annual output of all these factories in 1931 and in 1932; and
- (d) the average selling price in 1931 and 1932 of sugar candy manufactured in India?

The Honourable Sir Frank Noyce: I regret that the statistics desired by the Honourable Member are not available.

Mr. Rahimtoola M. Chinoy: Will Government kindly make inquiries and collect this information?

The Honourable Sir Frank Noyce: I will see if anything can be done; but, to the best of my knowledge, this is a cottage industry and I imagine that it would be rather difficult to get any satisfactory figures about it.

### TOTAL AVAILABLE MARKET IN INDIA FOR SUGAR CANDY.

332. \*Mr. Rahimtoola M. Chinoy: Will Government be pleased to state the total available market in India for sugar candy?

The Honourable Sir Joseph Bhoré: The information, I regret, is not available.

### SAFEGUARDING THE INTERESTS OF THE INDIAN MANUFACTURERS OF SUGAR CANDY.

333. \*Mr. Rahimtoola M. Chinoy: (a) Are Government aware that large quantities of sugar candy have been imported into British India from Japan during the past four months, viz., October, November and December, 1932, and January, 1933, and that they are being sold at prices detrimental to the indigenous industry?

(b) If so, what steps do they propose to take to safeguard the interests of the Indian manufacturers of sugar candy?

(c) Will Government be pleased to state whether they have received any representations on the above subject? If so, what action do they propose to take on them?

The Honourable Sir Joseph Bhoré: (a), (b) and (c). No statistics are yet available for the months specified by the Honourable Member. Representations have, however, recently been received on the subject and the matter is engaging the attention of the Government of India.

### STATUS OF BERAR IN THE NEW CONSTITUTION.

334. \*Mr. S. G. Jog: (a) Is it not a fact that Sir Samuel Hoare made a statement in his speech in London on the 16th December, 1932, that more detailed negotiations as regards the future status of Berar in the federation will take place in India in the next few weeks?

(b) Will Government state the exact time as to when these negotiations will take place and at what place?

(c) Will Government state the nature of these negotiations?

(d) Will Government state the plan and the procedure for carrying on these negotiations?

**Mr. H. A. F. Metcalfe:** With your permission, Sir, I propose to answer questions Nos. 334 and 335 together. The reply to part (a) of question No. 334 is in the affirmative. As regards the other parts of that question and question No. 335, Government regret that they are not in a position to make any announcement at this stage except that the matter is under discussion with His Exalted Highness the Nizam's Government.

**Diwan Bahadur A. Ramaswami Mudaliar:** Is there any proposal for the retrocession of this territory to H. E. H. the Nizam's Government? Is such a proposal under consideration at all?

**Mr. H. A. F. Metcalfe:** I can only state that I am not in a position to say anything further than what I have already said in my reply to this question.

**Mr. Gaya Prasad Singh:** You are not in a position to deny that there is any proposal before the Government, I take it?

**Mr. K. Ahmed:** Is there no ruling, Sir, to the effect that this sort of question cannot be asked? This matter concerns a Ruling Chief and, according to the Rules and Standing Orders, this matter cannot be discussed and we are not entitled to put that question.

**An Honourable Member:** But the question has been admitted?

**Mr. K. Ahmed:** It may have been admitted wrongly: but we cannot ask the question, Sir.

**Mr. Chairman** (Sir Hari Singh Gour): The Honourable Member is an old Member of this House and must be aware of the fact that Rs. 25 lakhs are paid by the Government of India as lease money to His Exalted Highness the Nizam's Government and that Berar is administered by the Government of India, and that it is a subject of discussion and debate almost every year.

**Mr. S. G. Jog:** Will the Honourable Member give this House an idea as to what he means by the transfer of administration of Berar to His Exalted Highness the Nizam's Government?

**Mr. H. A. F. Metcalfe:** I am not in a position to give the House any ideas beyond those which are already stated in my reply that the matter is under discussion with His Exalted Highness the Nizam's Government.

**Mr. S. G. Jog:** Is the Honourable Member aware of the questions which were put and the answers given on this subject in the House of Commons?



**Mr. H. A. F. Metcalfe:** I am not aware of that fact, but whether that may be or not, I am not in a position to give any further answer than that I have already given.

**Mr. K. P. Thampan:** May I know, Sir, whether the people of Berar are British subjects, and whether their British citizenship can be bartered away like this by transferring their province to some other sovereign?

**Sir Cowasji Jehangir:** May I know, Sir, whether the information which has been made available to the House of Commons officially can be denied to this House?

**Mr. H. A. F. Metcalfe:** I do not think I am in a position to answer that question. It should probably be addressed to the Honourable the Leader of the House.

**The Honourable Sir Brojendra Mitter:** If any information has been given by the House of Commons, that information is available to all Members, and, therefore, there is no question of any denial of information to Honourable Members here.

**Sir Cowasji Jehangir:** If an Honourable Member repeats the same question here, is he to get a reply that no information is available? Supposing I put the very same question that was put in the House of Commons and to which an answer has been given in the House of Commons, can the Honourable Member in charge say that no information is available? I ask the Honourable the Leader of the House to explain the position.

**The Honourable Sir Brojendra Mitter:** My answer is first, that Sir Cowasji Jehangir's question is hypothetical and, secondly, if information has been given on a particular matter in the House of Commons, why should the question be asked here again?

**Sir Cowasji Jehangir:** In order to put supplementary questions.

**The Honourable Sir Brojendra Mitter:** To the supplementary question no further information can be given.

**Sir Cowasji Jehangir:** The present position is that an answer has been denied to this House; no answer has been given.

**Mr. C. S. Ranga Iyer:** Is it not a fact, Sir, that the House of Commons procedure permits putting of questions not only for British India, but also for Indian States, whereas the procedure of this House prohibits putting of questions or giving of answers in respect of Indian States?

**The Honourable Sir Brojendra Mitter:** I am familiar with the procedure of this House, but I am not equally familiar with the procedure of the House of Commons.

**Mr. S. G. Jog:** Will the Honourable Member be pleased to state whether he will be in a position to make some statement on the whole question, because this matter has been hanging fire for the last few years, and so will he please tell us approximately in how much time he will be in a position to make a statement?

**Mr. H. A. F. Metcalfe:** All I can say is that a statement will be made after negotiations, which are at present in progress with His Exalted Highness the Nizam's Government, have been completed and a decision taken.

**Mr. B. Das:** May I ask if it is the intention of the Government to consult this House when the Government come to some tentative conclusion with His Exalted Highness the Nizam's Government and whether it is the intention of the Government to consult the people of Berar also in this matter?

**Mr. H. A. F. Metcalfe:** I am not in a position to make any statement as to the Government's intention in the matter.

**Sir Cowasji Jehangir:** May I know whether he is aware of the fact that an answer in the affirmative has been given in the House of Commons?

**Mr. H. A. F. Metcalfe:** I am not aware of the fact, Sir.

**Sir Cowasji Jehangir:** Is the Honourable Member aware that questions were put and answers given in the House of Commons relating to this subject? Is the Honourable Member aware of questions put and answers given in the House of Commons with regard to matters in charge of his own department?

**Mr. H. A. F. Metcalfe:** Will the Honourable Member say which question he is referring to? There are a number of questions that have been asked.

**Sir Cowasji Jehangir:** My friend has just asked a question, as to whether this House will be consulted before Government come to a definite decision on the question of transfer of Berar. The answer has been given to that question in the House of Commons. The Honourable Member in reply to that question said he had no answer to give. When I asked him whether he was aware of the questions put and answers given in the House of Commons, he said he was not. Then, my supplementary question is, is the Honourable Member aware of questions put and answers given in the House of Commons with regard to his own department? That is the question now.

**Mr. H. A. F. Metcalfe:** There are a number of matters that are brought to my notice at various times, but I cannot undertake to carry in my head the whole proceedings in the House of Commons.

**Mr. K. C. Neogy:** Are the negotiations with His Exalted Highness the Nizam's Government carried on by the Government of India or they have been taken out of their hands by the Secretary of State for direct negotiations?

**Mr. H. A. F. Metcalfe:** That again, I am not in a position to say.

**Mr. K. C. Neogy:** Is it not a fact, Sir, that in matters relating to the Government of India, the Secretary of State, in replying to questions in the House of Commons, generally depends upon information supplied by the Government of India?

**Mr. H. A. F. Metcalfe:** That probably is the case.

**Mr. K. C. Neogy:** Can the Honourable Member recall as to whether he had occasion to supply any information in regard to this matter for the purpose of answering any question in the House of Commons?

**Mr. H. A. F. Metcalfe:** I can say with confidence that with regard to the Berars I have supplied no information to the Secretary of State.

**Mr. K. C. Neogy:** When we address questions, we address them to Honourable Members as representatives of the Government of India and not to any private individuals.

**Mr. S. G. Jog:** May I draw the Honourable Member's attention to the fact that Mr. McEntee asked a question and a reply was given in the House of Commons by Sir Samuel Hoare in which he said that the people of Berar would have ample opportunity to express their views before the administration of Berar is transferred to Nizam's Government? Has the attention of the Honourable Member been drawn to the question asked and the answer given in the House of Commons?

**Mr. H. A. F. Metcalfe:** My attention has now been drawn to it.

**Mr. K. C. Neogy:** Is it not a fact, Sir, that Reuter's telegrams are supplied to the Government of India?

**Mr. O. S. Ranga Iyer:** In any future decisions affecting the people of Berar, will the Honourable Member be pleased to state that every step will be taken to consider the views and feelings of the people of Berar?

**Mr. H. A. F. Metcalfe:** I have already said that I can make no statement about the Government's intentions in the matter.

**Mr. K. C. Neogy:** Sir, I have not received an answer to the question which I put,—whether the different Departments of the Government of India are supplied with Reuter's telegrams for which the tax-payer of India has to pay?

**Mr. H. A. F. Metcalfe:** I am certainly supplied with Reuter's telegrams.

**Mr. K. C. Neogy:** Does the Honourable Member consider it any part of his duties to read these telegrams?

**Mr. H. A. F. Metcalfe:** By all means.

**Mr. S. G. Jog:** Is the Honourable Member aware that this particular telegram was put on the Board here near the Notice Office?

**Mr. H. A. F. Metcalfe:** I am not aware of it.

**Mr. B. R. Puri:** Is the Honourable Member prepared to amend his attitude in the light of the answer given in the House of Commons?

**Mr. H. A. F. Metcalfe:** I do not exactly know what the Honourable Member is referring to by my attitude.

**Mr. B. R. Puri:** The attitude of your not knowing anything on the subject. Is the opinion expressed in the answer the view of the Government of India or of the Secretary of State or in his individual capacity?

**Mr. H. A. F. Metcalfe:** I have never expressed ignorance on the subject. What I said was, and I will say it again, that I am not in a position to make any statement.

**Mr. O. S. Ranga Iyer:** Is it not a fact, Sir, that the Government do not contemplate taking Berar away from the jurisdiction of the Central Provinces Administration?

**Mr. H. A. F. Metcalfe:** I can only repeat, Sir, that I am not in a position to state what the Government contemplate.

**Mr. N. M. Joshi:** Is it not a fact, Sir, that Sir Reginald Craddock, an *ex*-Governor of Burma and an *ex*-Chief Commissioner of the Central Provinces and Berar, has for some time past been asking for an assurance from the Secretary of State that under no circumstances should Berar be transferred to His Exalted Highness the Nizam's Government?

**Mr. H. A. F. Metcalfe:** I understand that Sir Reginald Craddock needs a number of assurances, but I have not seen this particular demand.

#### STATUS OF BERAR IN THE NEW CONSTITUTION.

†335. **\*Mr. S. G. Jog:** (a) Will Government state their proposals in the matter of fitting in Berar in the federation?

(b) Will Government state their proposals in the matter of getting over the present dual arrangement in the administration of Berar?

(c) Will Government state as to what procedure they would suggest to give the people of Berar and their representatives an opportunity to express their views in this important constitutional question?

(d) Do Government propose to arrange a conference of the representatives of interests affected by this question with a view to enabling them to come to an agreement on the complicated position of Berar and its future status in the federation?

#### IMPORT DUTY ON INDIAN-MADE GOODS IN THE KASHMIR STATE.

336. **\*Mr. S. C. Mitra:** Is it a fact that the Kashmir Darbar has decided to levy an import duty of 30 per cent. on Indian-made goods while goods produced in the United Kingdom and British Colonies will have a preferential duty of 20 per cent.?

**Mr. H. A. F. Metcalfe:** The information asked for has been called for and a reply will be laid on the table in due course.

#### SERIOUS MINE DISASTER IN JHARIA.

337. **\*Mr. S. C. Mitra:** (a) Is it a fact that on November 8th, 1930, a serious mine disaster took place in the town of Jharia, resulting in the loss of human life and destruction of large properties?

†For answer to this question, see answer to question No. 334.

(b) Is it a fact that Mr. Simpson, Chief Inspector of Mines, gave a certificate on the 23rd May, 1930, to the effect that "working of Messrs. Khora Ramji's Khas Jharia Colliery underlying buildings in Jharia Bazar is perfectly stabled, and occupants of the buildings are not endangered in any way"?

(c) Was any warning given by the Chief Inspector of Mines or any body about the impending danger of the Jharia Bazar? If so, when and to what effect? Why cannot warning be issued sufficiently in time before any such danger?

(d) Is it a fact that in June, 1931, there was again accumulation of gas and fire which was timely controlled?

(e) Is it a fact that a collapse occurred on November 26th, 1932, and destroyed some buildings, and smoke indicative of fire underground was visible?

(f) Will Government please explain how this subsidence took place without the Mining Inspector's staff being ignorant of the condition of the underground mines? Was not the Mining Department cognisant of the defective working of the mines?

(g) Has anybody been held responsible for not giving warning for this disaster? Was it due to the negligence of the Mining Officers?

(h) What steps were taken after the first subsidence and gas menace?

(i) Have Government taken any steps against any such future calamity?

**The Honourable Sir Frank Noyce:** (a) A surface subsidence took place on the date mentioned owing to the collapse of underground workings. Some dwellings were wrecked and one person who disregarded the warning given was killed. Another person was seriously injured.

(b) Government have no definite information, but a newspaper reproduced a copy of such a letter said to have been sent to Messrs. Bhaishanker and Company, Jharia.

(c) A warning was not given by the Chief Inspector because the indications of danger from the workings in question only appeared a few hours before the accident. But the Manager of the mine gave suitable warning at about 9 P.M. to the inhabitants of the dwellings likely to be affected by a subsidence. The only person killed by the subsidence had received a personal warning as well as the general warning. The warning was given in adequate time and 94 persons who vacated their dwellings with their belongings were uninjured.

(d) to (i). I would invite the attention of the Honourable Member to the facts published in the communiqué recently issued by the Government of Bihar and Orissa which appeared in the Bihar and Orissa Gazette, Part II, of the 4th January, 1933.

**Mr. Gaya Prasad Singh:** May I ask if any inquiry was undertaken in the matter, and with what result?

**The Honourable Sir Frank Noyce:** Yes, the results are shown in the communiqué which I have mentioned, and I shall be very glad to let the Honourable Member have a copy of it.

ADVERTISEMENTS RELATING TO THE OPENING OF THE HOWRAH BRIDGE IN CALCUTTA.

338. \*Mr. Gaya Prasad Singh: (a) Is it a fact that advertisements relating to the opening of the Howrah Bridge in Calcutta are given by the Port Commissioners of Calcutta, exclusively to the *Statesman*? If so, why were they not given to Indian papers also? Will Government kindly state in what papers such advertisements have appeared; and what is the amount of charges paid by the Port Commissioners of Calcutta to each such paper, during the last three years?

(b) Is it a fact that the *Amrita Bazar Patrika* some time back wrote to the Port Commissioners of Calcutta, suggesting that such advertisement notices should be sent to some of the Indian papers also; but the Port Commissioners replied that they were willing to send such notices to the Indian papers provided they were prepared to publish them free of charge; on which the *Amrita Bazar Patrika* retorted that the notices should be sent to all the Calcutta dailies including the *Statesman* for free publication?

(c) Is it a fact that Railway advertisements, relating to Kumbh Mela, Magh Mela, Shibratri Mela, and other pilgrimage notices, are sent exclusively to the *Statesman* for publication? If so, why not to the Indian papers also, which are read mostly by the class of people for whom such pilgrimage notices are meant?

(d) Are Government aware that the Calcutta High Court chooses only the *Statesman* for the publication of the Jury Notices, and if so, why are Indian papers excluded?

The Honourable Sir Joseph Bhore: (a) No. Advertisements have appeared in the *Englishman*, the *Statesman*, the *Bengalee*, the *Star of India* and the *Exchange Gazette*.

The figures for the last three years are not immediately available. During 1932, the Commissioners paid to:

|                                       | Rs. | s. | p. |
|---------------------------------------|-----|----|----|
| The <i>Englishman</i> . . . . .       | 34  | 0  | 0  |
| The <i>Statesman</i> . . . . .        | 972 | 0  | 0  |
| The <i>Bengalee</i> . . . . .         | 160 | 0  | 0  |
| The <i>Star of India</i> . . . . .    | 80  | 0  | 0  |
| The <i>Exchange Gazette</i> . . . . . | 215 | 13 | 0  |

(b) The Editor of the *Amrita Bazar Patrika* wrote asking the Commissioners to insert the Howrah Bridge advertisements in his paper. The Commissioners replied that they were unable to incur further expenditure on advertisements but that they would be pleased to submit all Howrah Bridge notices to the *Amrita Bazar Patrika* for publication free of charge. The Editor replied that he would be pleased to publish such notices free of charge if all the papers at present publishing such advertisements agreed to do so also. The matter rests there.

(c) The required information has been called for from the Agent, East Indian Railway, in connection with question bearing Serial No. 285, asked in this House on the 8th February, 1933, and will be laid on the table in due course.

(d) The answer to the first part is in the affirmative. The publication of the notices in other newspapers including the *Englishman*, the *Amrita Bazar Patrika* and the *Exchange Gazette* has been discontinued since

August, 1930. For reasons of economy such advertisements have been curtailed by the Honourable Judges and they consider the "*Statesman*" sufficient for the purpose.

**Mr. Gaya Prasad Singh:** May I know what is the objection in accepting the suggestion made by the *Amrita Bazar Patrika*, namely, that these advertisements should be published by all the papers free?

**The Honourable Sir Joseph Bhow:** May I point out to my Honourable friend that this is not a matter in which the Government have any power of interference. Discretion lies entirely with the Port Commissioners.

**Mr. N. M. Joshi:** May I ask whether it is not a fact that these advertisements are generally meant as subsidies to the papers?

**The Honourable Sir Joseph Bhow:** My Honourable friend is at liberty to draw his own conclusion.

**Mr. K. Ahmed:** In view of the fact that each line of the jury notices and also the legal and Court notices under the Original Side of the Calcutta High Court referred to in (d) of the question—may I address this question to the Home Department—containing only three or four words is charged for more heavily than a line for advertising a vacancy of rooms in a hotel? May I ask, if there is any justification for this?

**The Honourable Sir Harry Haig:** The Honourable Member has done me the compliment of addressing this question to me, but I think at the same time his glance was directed towards the representative of the *Statesman* who possibly will be in a better position to give him an answer.

**Mr. K. Ahmed:** Do Government propose for their own benefit and for the benefit of the country to send a copy of this supplementary question to the Calcutta High Court pointing out to them that the charges are extraordinarily high and that the litigant public suffers in consequence. Do Government propose to send this question to the Calcutta High Court so that the rates may be reduced?

**The Honourable Sir Harry Haig:** I shall be happy to send a complete record of the question to the Calcutta High Court.

**Mr. S. C. Mitra:** Are Government in a position to explain why the Port Commissioners should give preference to the *Statesman* as regards advertisements about passengers over the Howrah Bridge? Is it not a fact that the passengers are mostly Indians who read Indian papers?

**The Honourable Sir Joseph Bhow:** I regret I am not in a position to give the explanation sought by my Honourable friend, but I shall have great pleasure in forwarding the questions that have been put and the replies that have been given to the Port Commissioners for their consideration.

**Mr. B. Das:** Does it not lead to the conclusion that the Port Commissioners are enjoying too much power? Will the Honourable Member consider the question of amending the Port Trust Act and does the Honourable the Railway Member also know that he is giving too much power to the Railway Chief Commissioner?

**The Honourable Sir Joseph Bhoré:** My Honourable friend must realise that in answer to a supplementary question I cannot say straightaway whether it is advisable to introduce legislation into this House or not.

**Mr. Lalchand Navalrai:** May I know whether there is any fixed policy in regard to the patronising of these papers or whether it is left entirely to the discretion of the officers below? Are there any rules on the point?

**The Honourable Sir Joseph Bhoré:** I do not know what my Honourable friend is referring to. If he is referring to the Port Commissioners . . . .

**Mr. Lalchand Navalrai:** I am asking generally.

**The Honourable Sir Joseph Bhoré:** I am not aware of any such policy. So far as the Railway Department is concerned, I think I can say definitely that Railways have advertised in papers through which they considered that the widest publicity would be given.

**Mr. Gaya Prasad Singh:** Is it a fact that the Chairman and the majority of the Port Commissioners are Europeans?

**The Honourable Sir Joseph Bhoré:** I think that is probably true.

**Mr. Gaya Prasad Singh:** Is it because of this fact that the *Statesman* is patronised more than the Indian papers?

**The Honourable Sir Joseph Bhoré:** My Honourable friend can draw his own conclusion.

#### TRANSFER OF PRISONERS TO THE ANDAMANS.

339 **\*Mr. Gaya Prasad Singh:** Will Government be pleased to lay a statement on the table, giving the names of prisoners, the Provinces to which they belong, the offences of which they were convicted, and their terms of imprisonment, who have been up-to-date transported to the Andamans, indicating the dates on which they were so transported during the last two years?

**The Honourable Sir Harry Haig:** As I have stated before in the House I am not prepared to furnish detailed information about the terrorist prisoners whose removal to the Andamans has been sanctioned.

#### SCHEME OF NON-NATIVE SETTLEMENT IN TANGANYIKA.

340. **\*Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to a speech delivered by the Governor of Tanganyika in the budget session of the Legislative Council a section of which has been reported in the *Tanganyika Opinion*, dated the 28th October, 1932, at page 14 under the heading "White Settlement"?

(b) Is it not a fact that Indian settlement is not within the scheme of the non-native settlement in that Territory, and that the Government of Tanganyika is more keen about White Settlement?

(c) Have Government considered the question of the advisability of approaching the Government of Tanganyika through the Colonial Office that Indian interests in the scheme of future settlement be not ignored?



**Mr. G. S. Bajpai:** (a) Yes.

(b) No.

(c) The attention of the Honourable Member is invited to the reply given on the 29th February, 1932, to parts (b) and (c) of his starred question No. 545.

#### ALLEGATIONS AGAINST THE GOVERNMENT OF TANGANYIKA.

**341. \*Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to page 13 of the *Tanganyika Opinion*, dated the 4th November, 1932, under the headings "Customs Loss," "Passport to Indians" and "Postal Union"?

(b) Are Government aware (1) that the Government of Tanganyika is heavily suffering a loss from customs agreement with the Kenya and Uganda Governments, (2) that racial discrimination exists in Tanganyika at the instance of imperial authorities in the matter of grant of passports to Indians, and (3) that strong feelings exist among the officials and non-officials in Tanganyika against the postal unification?

**Mr. G. S. Bajpai:** (a) Yes.

(b) (1). Government have no information beyond what has appeared in the Press.

(b) (2). Government are not aware of any racial discrimination in the matter of the issue of passports.

(b) (3). I would refer the Honourable Member to the reply which I shall give to his next question.

#### POSTAL UNIFICATION IN TANGANYIKA.

**342. \*Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to the debate in the Legislative Council of Tanganyika on the issue of postal unification as published in the *Tanganyika Opinion*, dated the 11th November, 1932, at page 4 under the heading "Postal Union under Fire in Legislative Council"?

(b) Are Government aware of the united Indian and European opposition to the scheme of subordinating the Tanganyika postal service to Kenya and Uganda?

(c) In view of the reply of Government to my starred question No. 1361 (c) of the 21st November, 1932, are Government now prepared to take steps to move the Permanent Court of International Justice on the subject of postal unification in the light of the suggestions of the Dar-es-Salaam Indian Association made in their petition to the Permanent Mandates Commission of the League of Nations? If not, why not?

(d) Are Government aware that the Dar-es-Salaam Indian Association have already addressed the Government of India on the subject requesting that the said Court be moved?

(e) Has the attention of Government been drawn to a leading article in the *Tanganyika Opinion*, dated the 25th November, 1932, at page 2 under the heading "Postal Unification denounced"? Are Government aware of the amount of opposition in Tanganyika to the postal unification scheme?

**Mr. G. S. Bajpai:** (a) to (e). Government have seen the newspaper passages referred to by the Honourable Member. They are not in a position to say what the strength of the opposition to the Postal union of Tanganyika with Kenya and Uganda is. Nor do they consider it necessary to move the Permanent Court of International Justice on the subject, as suggested by the Dar-es-Salaam Association to the Permanent Mandates Commission of the League of Nations. Government's main concern is to try to ensure that the amalgamation does not differentially affect Indian interests, mainly as regards the employment of Indians in the Department. The fact that no such effects have been brought to their notice as a result of the amalgamation of the Postal Services of Kenya and Uganda, which has been in existence for some years, encourages the hope that apprehensions on this point will not be realised. But the Government of India will watch developments and will take suitable action to safeguard Indian interests as and when circumstances may require this.

**Mr. Gaya Prasad Singh:** Do I understand that this amalgamation scheme has already been carried out?

**Mr. G. S. Bajpai:** I gather, Sir, that the amalgamation scheme has been carried out.

#### ZANZIBAR INDIANS' CAMPAIGN AGAINST TRADE TAXES.

343. **\*Mr. Gaya Prasad Singh:** Have Government seen an article in the *Tanganyika Opinion*, dated the 16th December, 1932, at page 11 under the heading "Zanzibar Indians' Campaign Against Trade Taxes"? What steps have been taken to enquire into the matter, and to safeguard the Indian interests there?

**Mr. G. S. Bajpai:** Government have seen the article in question, but do not feel called upon to take any action as the Indian community in Zanzibar has not approached them in the matter.

#### PLIGHT OF INDIANS IN UGANDA.

344. **\*Mr. Gaya Prasad Singh:** Has the attention of Government been drawn to the *Tanganyika Opinion*, dated the 23rd December, 1932, at page 4 under the heading "Plight of Indians in Uganda"; and what steps have been taken in the matter complained of?

**Mr. G. S. Bajpai:** Government have seen the article referred to by the Honourable Member. The matter appears to have been inquired into by the Government of Uganda who came to the conclusion that the complaints could not be substantiated. The Government of India have not been approached by the Indian community of Uganda and do not consider that any action on their part is called for.

#### SAFEGUARDING THE EDUCATIONAL INTERESTS OF INDIANS IN FIJI.

345. **\*Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to the *Tanganyika Opinion*, dated the 23rd December, 1932, at page 7 under the heading "What is Happening in Fiji"?

(b) Is there no Indian member on the Education Board of Fiji to safeguard Indian education interests in those Islands? If so, why?

**Mr. G. S. Bajpai:** (a) Yes.

(b) Government understand from the answer given in the Fiji Legislative Council to a similar question in October last that there is no Indian on the Board at present and that there is no vacancy to which an Indian could be appointed.

**Mr. Gaya Prasad Singh:** May I take it that when the next vacancy occurs, the claims of an Indian to the appointment will be considered?

**Mr. G. S. Bajpai:** I have been through the Ordinance, Sir, and I find there is no bar to the appointment of an Indian to this Board. I do not think that the matter is of sufficient importance to justify the Government of India addressing the Fiji Government on the subject. There are now three Indian representatives in the Fiji Legislative Council and, I think, it is up to them to take up the matter.

**Mr. Gaya Prasad Singh:** Is it not a fact that the Indian representatives in the Legislative Council of Fiji are in a minority?

**Mr. G. S. Bajpai:** They may be in a minority, but they are not precluded from representing to the Governor that the Indian community should be represented on this Education Board.

**Mr. Gaya Prasad Singh:** Do I understand that the Government of India will support their claim?

**Mr. G. S. Bajpai:** If the claim is put forward and the Indian community wishes for the support of the Government of India, it will be ungrudgingly and promptly given.

#### DEMAND FOR COMMON ROLL IN FIJI.

346. **\*Mr. Gaya Prasad Singh:** Has the attention of Government been drawn to the *Tanganyika Opinion*, dated the 30th December, 1932, at pages 13 and 14, under the heading "Demand for common roll in Fiji"? What steps, if any, are being taken in the matter?

**Mr. G. S. Bajpai:** Government have seen the article in question. The attention of the Honourable Member is drawn to the answer that I gave to his question No. 125 on the 6th February, 1933.

#### INDIAN SCIENTISTS SENT TO THE UNITED KINGDOM TO SPECIALISE IN THE IMPROVEMENT OF THE QUALITY OF LAC.

347. **\*Mr. Gaya Prasad Singh:** Is it a fact that at the instance of the Indian Lac Cess Committee of Ranchi, Behar, three Indian scientists are to be sent, or have been sent to the United Kingdom to work in industrial laboratories there, in order to improve the quality of lac, and to discover new markets on the continent for Indian lac? If so, who are the persons selected, and what is the approximate expenditure involved?

**Mr. G. S. Bajpai:** At the instance of the Indian Lac Cess Committee, the Government of India have sanctioned a scheme to extend research on Indian Lac to the United Kingdom and to create for this purpose three

posts of scientists to be filled by advertisement and selection in India. An advertisement was accordingly issued and applications received are now under consideration. No selection has yet been made. The estimated cost of the scheme is approximately Rs. 1,18,000.

**ENTRY OF SOME SOLDIERS OF THE DORSETSHIRE REGIMENT INTO THE DACCA UNIVERSITY CENTRAL BUILDING WITH FIXED BAYONETS.**

348. **\*Mr. Gaya Prasad Singh:** Has the attention of Government been drawn to a report published in the *Amrita Bazar Patrika*, dated the 13th January, 1933 (page 3), in which it is stated that some soldiers of the Dorsetshire Regiment entered into the Dacca University Central Building with fixed bayonets, and prevented students and Professors either to come out or enter into the University Building; that some soldiers one evening annoyed lady students who were playing tennis in the Hostel Compound; and that some soldiers trespassed into the private compound of a few Professors of the University? Do Government propose to inquire into the matter, and make a statement on the subject, indicating the steps taken in the matter?

**Mr. G. R. F. Tottenham:** The facts are that a determined attack was made on an unarmed British soldier by two men of the *Bhadralog* class. After the assault, one of them was pursued by a non-commissioned officer and a private, but made his escape into the University building. No attempt was made by those who were in the University compound to stop the man. The non-commissioned officer then posted one sentry in front of the building and one at the back; and the matter was reported to the police who are now investigating it. No inconvenience would have been caused to those present if the assailant had not been shielded by them.

No complaint has been received that annoyance was caused to lady students while playing tennis. The Vice-Chancellor of the University did inform the Officer Commanding the Dorsetshire Regiment that he had received complaints about soldiers trespassing into the compounds of University professors. No evidence of identification was given and there are no grounds for believing that there was any felonious intention. But orders have been given to prevent any ground for such complaints in future.

**Mr. Gaya Prasad Singh:** May I know what was the motive of these *Bhadralog* people in attacking without any provocation an unarmed soldier passing along the road?

**Mr. G. R. F. Tottenham:** The matter, Sir, is now under investigation and the investigation has not been completed; but it seems probable that the attack was made with the object of robbing the soldier of a revolver which he was supposed to be carrying. As a matter of fact, he was not carrying a revolver at the time.

**Mr. K. C. Neogy:** Is not the Honourable Member aware that, previous to this incident, there were cases of assault on innocent students and members of the public by individual soldiers?

**Mr. G. R. F. Tottenham:** No, Sir. Cases have been brought to our notice, and there have been articles in the Press. But the cases, that have been investigated, have been found to be exaggerated.

**Mr. B. R. Puri:** What actually is the evidence, Sir, with regard to the alleged shielding of these two men by the *Bhadralog* inmates of that particular building?

**Mr. G. R. F. Tottenham:** I can read out to my Honourable friend an extract from the report given by the soldier who pursued the man. He says as follows:

"As he turned the corner, I saw about nine Indians conversing at the corner. I shouted, 'stop him', but they opened a path for him and closing behind him baulked me, so that I had to push one or two of them aside. This made me lose a few yards, but I saw the Indian, I was tracing, turn in at the gate of the University. I followed him. There were a lot of Indians in the grounds, but the man shouted and waved his hand and they let him pass through. I saw him run into the building, but did not think it wise to follow him."

**Mr. K. C. Neogy:** The Honourable Member has stated that the accounts of assaults committed by soldiers upon members of the public have been exaggerated and that there have been some investigations into those allegations. Will the Honourable Member be pleased to give the House an idea about the facts that have been actually found as a result of those investigations, apart from the exaggerations?

**Mr. G. R. F. Tottenham:** I can refer the Honourable Member to the replies placed on the table in answer to certain questions on the subject. I am actually laying on the table today a reply to a question that was asked on the 9th February, and if he wishes, I will read out that reply; but I think the better plan would be to refer him, if I may do so, separately to the questions to which answers have been given or laid on the table of the House.

**Mr. K. C. Neogy:** Does that statement include the report of an incident in which a stick was actually broken as a result of the assault that was committed by a soldier on an Indian student?

**Mr. G. R. F. Tottenham:** Yes, it does include that, as far as I remember.

**Mr. Gaya Prasad Singh:** Do I understand the Honourable Member to say that an inquiry is proceeding with regard to the subject matter of my question and if so, will the result of the inquiry be placed on the table of the House at a later date?

**Mr. G. R. F. Tottenham:** An inquiry is being undertaken by the police and will presumably end in a case if the man is arrested. If so, the proceedings will be public, but if the Honourable Member wishes to make a special case of this and wants me to lay a report on the table, I shall have no objection to doing so.

**Mr. K. C. Neogy:** May I ask how far the presence of soldiers in Dacca along with the occurrences of this type have succeeded in "creating an impression"—to use a very famous expression?

**Mr. G. R. F. Tottenham:** That must be a matter of opinion.

**Mr. Lalchand Navalrai:** Does the Honourable Member know that these soldiers many times go about the City drunk and then create quarrels? What is the Honourable Member going to do with regard to that?

**Mr. G. B. F. Tottenham:** I am quite unaware of such a fact, Sir. It is most unusual for members of the army to go about drunk.

#### CUTTING OFF OF THE WATER-SUPPLY TO LABOURERS IN NEW DELHI.

**349. \*Mr. Gaya Prasad Singh:** Is it a fact that the New Delhi Municipality has cut off the water-supply to about 10,000 labourers, who have contributed to the building of the new Capital, with a view to ejecting them from New Delhi, and that many of them have been turned out of their quarters in these winter days? If so, why?

**Mr. G. S. Bajpai:** Inquiries are being made and the results will be communicated to the House in due course.

**Mr. Gaya Prasad Singh:** This question was sent in long ago. What has been the plight of these 10,000 poor Indians in the meantime as they are being turned out of their dwellings, and starving?

**Mr. G. S. Bajpai:** The reason why I gave an *ad interim* reply is that the report that I received did not give all the facts or did not appear to me to give all the facts. When I do get all the facts, I shall communicate them.

**Sardar Sant Singh:** Will the Honourable Member take steps to stop this sort of illegal pressure being brought to bear upon these poor labourers so long as the report is not completed?

**Mr. G. S. Bajpai:** The Honourable Member seems to assume that any pressure that is being brought to bear is illegal. I am not in a position to say that it is illegal.

**Sardar Sant Singh:** I may inform the Honourable Member that the facts contained in this question are quite correct and that these inhuman methods are turning out the labourers from their quarters. Meanwhile something should be done for them.

**Mr. G. S. Bajpai:** My Honourable friend first of all said that this process is illegal and now he says it is inhuman. Whether a thing is legal or illegal is a question of fact and whether it is human or inhuman is a matter of opinion, and I am not going to deal with that side of the question. I am looking into this matter and the Honourable Members may rest assured that a thorough and searching inquiry will be made.

#### REFUSAL OF PASSPORT TO DR. MUHAMMAD ALAM TO VISIT KENYA.

**350. \*Mr. Gaya Prasad Singh:** Has there been any correspondence between the Government of India and the Punjab Government, or with any other authority, regarding the refusal of passport to Dr. Alam to visit Kenya for purposes of health as advised by Doctors? Are Government in a position to make a statement as to why passport has been refused?

**Mr. G. S. Bajpai:** The attention of the Honourable Member is invited to the reply given by me on the 8th February, 1933, to Mr. Jagan Nath Aggarwal's starred question No. 302.

**Mr. Gaya Prasad Singh:** Have any further proceedings taken place with regard to this passport affair?

**Mr. G. S. Bajpai:** So far as I am aware, no communication has been received by the Government of India in regard to this passport.

#### PROPOSED TRANSFER OF THE BADRINATH TEMPLE TO THE GARHWAL STATE.

351. **\*Mr. Gaya Prasad Singh:** Is there any proposal for the transfer of the famous Badrinath temple, and the surrounding area, in British Garhwal District (United Provinces) to the Garhwal State? If so, are Government aware of the strong public opinion against the proposal, as evidenced by the protest meeting recently held in Karna Prayag, Garhwal District (*vide* the *Hindustan Times*, dated the 22nd January, 1933, page 11)?

**Mr. H. A. F. Metcalfe:** No such proposal is being considered by Government.

The second part of the question does not therefore arise.

#### DUTY ON "NEWS PRINT" PAPER IMPORTED INTO INDIA.

352. **\*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) the total quantity and value of "news print" paper imported into this country from the empire and foreign countries during the last three years;
- (b) whether "news print" was specifically excluded—*vide* item 120, schedule F—from the articles to which preference was granted under the agreement between the United Kingdom and India;
- (c) whether they are aware that there is not any competition between empire and foreign countries regarding this article; and
- (d) whether Government propose to revise the 30 per cent. duty now levied on "news print"?

**The Honourable Sir Joseph Bhoré:** (a) The information is contained in the Sea-borne Trade Accounts, copies of which are available in the Library.

(b) Yes.

(c) and (d). The matter has been engaging the attention of Government.

**Mr. K. P. Thampan:** May I know, Sir, whether the words "news print" were deliberately removed from Item No. 120 at the time when the matter was under consideration or was it done inadvertently?

**The Honourable Sir Joseph Bhoré:** All I can say is that this matter was brought to my notice when I was in Calcutta last and there does appear *prima facie* to have been a mistake. I am looking into the matter, and if there has been a mistake, I promise to introduce an amending Bill so as to rectify any mistake that has been made.

**Mr. Arthur Moore:** Arising out of that answer,—may I ask whether the Government, when drafting the Bill will make it retrospective so that the duty collected in error in the last two or three months will be refunded?

**The Honourable Sir Joseph Bhoré:** That, Sir, is another question altogether and I cannot give my Honourable friend any assurance on that point.

#### DUTY ON "NEWS PRINT" PAPER IMPORTED INTO INDIA.

**353. \*Mr. K. P. Thampan:** Will Government be pleased to state:

- (a) whether they are aware that the cost of "news print" paper in reels is less than that of the same in sheets, but for purposes of levying duty there is no difference in the Tariff value of the two kinds;
- (b) whether Government have received any representation from newspaper concerns or other interests requesting that invoice prices may be treated as the basis for the calculation of duty; and
- (c) whether Government have any intention of acceding to their request; if not, why not?

**The Honourable Sir Joseph Bhoré:** (a) Yes.

(b) No.

(c) Does not arise.

#### ASSEESSEES PAYING INCOME-TAX ON INCOMES FROM Rs. 1,000 TO Rs. 2,000.

**354. \*Kunwar Hajee Ismail Ali Khan:** Will Government kindly inform this House as to the number of assessecs who are paying income-tax on incomes from Rs. 1,000 to Rs. 2,000, and the amount which has been realized in the current year?

**The Honourable Sir George Schuster:** The number of assessecs with incomes of Rs. 1,000—1,999 during the current year will not be known till the year is over as assessments are being made at present and will be made upto the end of the year. I may, however, inform the Honourable Member that the number of such assessecs in 1931-32 was over 120,000. The amount of tax assessed during the current year on such assessecs upto December, 1932, was over Rs. 50 lakhs out of which Rs. 33½ lakhs have been collected.

#### AMOUNT REALISED BY THE ENHANCEMENT OF POSTAL RATES.

**355. \*Kunwar Hajee Ismail Ali Khan:** Will Government kindly inform this House as to what amount has been realized this year by enhancing the postal rates, as compared with last year?

**The Honourable Sir Frank Noyce:** The total receipts realised from the sale of postage stamps of all kinds during the first eight months of the current financial year exceeded similar receipts for the corresponding period of 1931-32 by more than Rs. 19 lakhs: these receipts however do not



represent purely postal receipts since postage stamps are used for payment of telegraph and other non-postal charges. Their division into separate figures of postal revenue, telegraph revenue, etc., is not effected until after the close of the year in which the revenue accrues. It may be pointed out that owing to the continuance of the economic depression there would undoubtedly have been a fall in these receipts had the postage rates not been enhanced.

**Mr. Gaya Prasad Singh:** Is the Honourable Member aware that Government are losing revenue by reason of the enhanced postal rates?

**The Honourable Sir Frank Noyce:** No, Sir; that is not our impression.

**Mr. Gaya Prasad Singh:** Do I take it that the volume of correspondence is increasing because of the enhanced postal rates?

**The Honourable Sir Frank Noyce:** My point was that we are not losing revenue owing to the enhancement of the charges.

**Sir Cowasji Jehangir:** May I ask whether it is a fact that on account of the increased postal rates private agencies have come into existence to carry letters from one part of the country to another?

**The Honourable Sir Frank Noyce:** There have been some private agencies locally to some extent.

#### AMOUNT REALISED BY THE ENHANCEMENT OF DUTY ON PETROL.

356. **\*Kunwar Hajee Ismail Ali Khan:** Will Government kindly inform this House as to what amount has been realized this year by enhancing the duty on petrol as compared with last year?

**The Honourable Sir George Schuster:** Exact figures for the period of nine months ending with December, 1932, are not yet to hand, but the most reliable estimate would put the total receipts for that period at Rs. 331 lakhs against Rs. 280 lakhs in the corresponding period in the previous year. I should remark, however, that the surcharge was already in force during the months of October, November and December, 1931.

#### PILGRIMS INTENDING TO TRAVEL TO HEDJAZ BY MOTOR BUSES BY THE OVERLAND ROUTE.

357. **\*Kunwar Hajee Ismail Ali Khan:** (a) Are Government aware that many pilgrims are intending to travel this year from India to Hedjaz by motor buses by overland route?

(b) Are Government aware that the Hedjaz Government have announced that there is no proper and safe route for these pilgrims from Iraq to Hedjaz?

(c) If the answer to part (b) be in the affirmative, are Government prepared to instruct the Haj Committees to advise the pilgrims not to perform the above journey by overland route or not to issue the passports by that route?

**Mr. H. A. F. Metcalfe:** (a) Government have received information of a proposal that pilgrims should travel by lorry from India to the Hedjaz. They are not aware of the numbers involved.

(b) Government have seen no official announcement on the subject, but have seen a newspaper report to the effect that His Majesty King Ibn Saud has made a statement that the roads within His Majesty's territory need improvement and therefore that communication is not guaranteed.

(c) Government are considering what steps should be taken to warn pilgrims intending to proceed by this route, of the difficulties, which they are likely to encounter.

#### PRIVILEGES OF THE MEMBERS OF THE INDIAN LEGISLATURE.

**358. Kunwar Hajee Ismail Ali Khan:** (a) Will Government kindly state what are the privileges of the Members of the Indian Legislature?

(b) Are they exempt from arrest against the warrant of Civil Courts during the Session of the House just like the Members of the British Parliament? If not, why not?

**The Honourable Sir Brojendra Mitter:** (a) and (b). I invite the Honourable Member's attention to paragraph 91 of the Report of the Reforms Enquiry Committee, 1924, and to the Legislative Members Exemption Act, 1925, which was passed by the Indian Legislature to give effect to the recommendations contained therein. Members of the Legislature are also exempt from the operation of the Indian Arms Act during their tenure of office and for six months thereafter.

#### GOVERNMENT GRANT-IN-AID TO EDUCATIONAL INSTITUTIONS AT MUSSOORIE.

**359. \*Kunwar Hajee Ismail Ali Khan:** Are Government paying any grant-in-aid to any educational institution at Mussoorie? If so, will they kindly give the details?

**Mr. P. R. Rau:** The Government of India give no grant-in-aid to any educational institution at Mussoorie. But Oakgrove School is maintained by the East Indian Railway Administration near Mussoorie for the children of Railway employees. The actual cost of working this school during the year ending the 31st December, 1931, was Rs. 1,56,820. In addition a sum of Rs. 16,350 on account of scholarships was met from Railway Revenues.

**Mr. M. Maswood Ahmad:** Is it a fact that Government are thinking of handing over the administration of the Oakgrove School to some private individual or an Anglo-Indian Association?

**Mr. P. R. Rau:** There is no definite proposal under consideration at the present moment.

#### FORMATION OF THE CENTRAL ADVISORY BOARD OF EDUCATION.

**360. \*Dr. Ziauddin Ahmad:** (a) Will Government be pleased to state the action they have taken to fulfil the promise made by the Honourable Sir Frank Noyce on the 16th February, 1932 (p. 871 of the proceedings), about speedy formation of the Central Advisory Board of Education?

(b) Have the Government of India received the views of the Provincial Governments? If so, will they be pleased to lay such opinions in the Library?

(c) Have the Education Department of the Government of India prepared the detailed scheme of the Board?

(d) What is the annual recurring expenditure of the scheme?

(e) Was the Finance Department approached for the sanction of the expenditure?

**Mr. G. S. Bajpai:** (a) What the Honourable Sir Frank Noyce said was that as soon as financial conditions improved, the Government of India would proceed with the establishment of a Central Advisory Board of Education. Government regret that financial conditions have not improved sufficiently to enable them to do so.

(b) Yes; copies of the correspondence with the Provincial Governments on the subject have been placed in the Library of the House.

(c) and (d). The average annual cost of the scheme is estimated at the outset to be about Rs. 42,000 *per annum* but, as on account of financial stringency and retrenchment operations even the post of Educational Commissioner had to be reduced in status, there was no chance of funds being available for the Board, and preparation of the detailed scheme was deferred till better times returned.

(e) No useful purpose would have been served by doing so.

#### WAR PENSIONS TO INDIAN SEPOYS.

361. **\*Mr. Gaya Prasad Singh:** (a) Will Government please state if their policy, as indicated in answer to starred question No. 1498 (a) of the 29th November, 1932, regarding War pensions to Indian ranks, has been and is to give pensions under the regulations applicable to their case, as enjoined on them by note (2), section (2) of the Indian Army Act, as given in their publication, entitled the "Manual of Indian Military Law", or it is and has been to relegate War claims covered by the letter of rule to consideration on their merits and on compassionate ground under paragraph 202 of the Pensions Regulations for the Army in India?

(b) Has not the policy been and is to minimise the pensionary liability by reconstructing the Pension Regulations in such a way that "entitlement" is brought down to "eligibility," and "eligibility" by another stroke of the pen reduced to a sheer act of grace?

(c) Has the policy been governed or is being governed by the fact that War pensions are an Imperial liability, and is it a fact that the Government of India have not cared to involve His Majesty's Government in the full discharge of this pensionary liability? If so, to what extent?

(d) Has this policy been affected by the financial position of the British Exchequer? If so, to what extent?

(e) Has this policy been affected by Imperial interests as against ignorant and illiterate personnel in regard to their claims for compensation for the loss of life or of earning capacity? If so, to what extent?

(f) Will Government please state to what extent they are prepared to respect the agreements made by the State with the Indian ranks, risking their lives, and the loss to their earning capacity involved by their participation in the Great War?

(g) Has this policy been affected by Government's basing their pensionary liability on statistics showing death and wound casualties amongst Indian ranks as 49,603 and 62,502, respectively, of the total 1,096,013 sent on War, i.e., 5 per cent. and 6 per cent., as against 12.5 per cent. and 23.6 per cent. of the British casualties excluding the Dominions of a total of 6,000,000 British ranks who participated in the War as per Ministry of Pensions' Review given in the Medical History of the War published by His Majesty's Stationery Office, London, and based on official documents? If so, to what extent?

(h) Are Government prepared to accept their liability for the Post-War disablement as regards treatment and pension for which in England 1,331,486 patients were treated and 113,207 pensionary awards made as per Medical History of the War referred to in part (g) above? If so, to what extent?

(i) Are Government prepared to relax the plea of the Indian sepoys' failure to submit their claim in time advanced by Government? If so, to what extent?

**Mr. G. R. F. Tottenham:** (a) Claims to pensions are determined in accordance with the Regulations, paragraph 202 of which provides that pensions may be granted in deserving cases which are not strictly covered by other paragraphs.

(b) to (e). The suggestions made in these parts of the question are entirely without foundation.

(f) Fully.

(g) Does not arise.

(h) The Honourable Member is referred to the statement laid on the table on the 15th September, 1932, giving the information promised in reply to starred question No. 1112, asked by Sardar Sant Singh on the 4th April, 1932. Government are prepared to provide treatment in a military hospital for a disabled soldier whose war disability either manifests itself or is aggravated after his discharge, if such a soldier presents himself at the hospital. Disabled soldiers also receive treatment in civil hospitals throughout the country.

(i) I have nothing to add to the replies given on the 12th February, 1932, to part (b) of Sardar Sant Singh's starred question No. 289.

#### WAR PENSIONS TO INDIAN SEPOYS.

**362. \*Mr. Gaya Prasad Singh:** (a) Will Government please state how far the Indian ex-sepoys and other ranks, not subject to the Army Act, are deprived of the ordinary rights of citizenship, in relation to the adoption of non-official means to enable them to prefer and press their pensionary claims for war disablement?

(b) Will Government please state to what extent they are prepared to allow "a friend, attorney or counsel", to act for a claimant to a War pension?

**Mr. G. R. F. Tottenham:** There is no rule forbidding a claimant to use the services of "a friend, attorney or counsel" in submitting his claim for a pension through the proper channel. Government, however, consider it justifiable in the interests of the claimants themselves to discourage resort to agencies run on commercial lines, when adequate machinery has been provided for the submission of their claims without expense to themselves.

**INADEQUATE REPRESENTATION OF MUSLIMS IN THE POSTAL DEPARTMENT, BENARES CITY.**

**363. \*Seth Haji Abdoola Haroon:** (a) Will Government be pleased to lay on the table a statement showing separately the total number of officers of all grades and clerks working in the Postal Department, Benares City, and how many of them belong to each of the following communities: (i) Hindus, (ii) Muslims, (iii) Christians?

(b) Are Government aware that the existing proportion of Muslims in the above department is inadequate? If so, what action do they propose to take to remove the communal inequality and to safeguard the legitimate rights of Mussalmans?

**The Honourable Sir Frank Noyce:** (a) A statement giving the information asked for is laid on the table.

(b) The Honourable Member's attention is invited to the reply given to Mr. Anwar-ul-Azim's starred question No. 330 in the Legislative Assembly on the 30th January, 1929.

*Statement showing the communal composition of the Officers, Clerks, etc., of the Postal Department in Benares City.*

|                                  | Total strength on 1st January, 1933. | (i) Hindus. | (ii) Muslims. | (iii) Christians. | Remarks.  |
|----------------------------------|--------------------------------------|-------------|---------------|-------------------|-----------|
| Postmaster (Gazetted)            | 1                                    | 1           | ..            | ..                |           |
| Postmaster (non-Gazetted)        | ..                                   | ..          | ..            | ..                |           |
| Lowest Selection Grade           | 7                                    | 3           | 3             | 1                 |           |
| Upper Division Time Scale clerks | 114                                  | 95          | 19            | ..                |           |
| Lower Division clerks            | 11                                   | 7           | 1             | ..                | 3 vacant. |
| Postmen                          | 96                                   | 77          | 19            | ..                |           |
| Departmental Stamp Vendors       | 2                                    | 2           | ..            | ..                |           |
| Inferior Servants                | 85                                   | 68          | 17            | ..                |           |
|                                  | 316                                  | 253         | 59            | 1                 | 3         |

**INADEQUATE REPRESENTATION OF MUSLIMS IN THE POSTAL DEPARTMENT,  
BENARES CITY.**

**364. \*Seth Haji Abdoola Haroon:** (a) Are Government aware that, contrary to their orders regarding the representation of minorities, a rigid ratio of 11 per cent. has been fixed for the recruitment of minorities to the Postal Department, Benares City?

(b) If the answer be in the affirmative, are Government prepared to reconcile the discrepancy between the two divergent orders?

(c) If the reply to part (a) be in the negative, are Government prepared to make enquiries why Muslims have not been allowed their just proportion?

**The Honourable Sir Frank Noyce:** (a), (b) and (c). Government are not aware that the facts are as stated by the Honourable Member, but enquiries are being made and if these disclose that there is any departure in the Benares City Post Office from Government orders regarding recruitment, necessary action will be taken.

**INADEQUATE REPRESENTATION OF MUSLIMS IN THE POSTAL DEPARTMENT,  
BENARES CITY.**

**365. \*Seth Haji Abdoola Haroon:** (a) Are Government aware that the representation of Muhammadans in the Benares Postal Department is already very low and that any retrenchment of Muslims will further lower their proportion?

(b) If the reply be in the affirmative, are Government prepared to take action for preventing the retrenchment of Muslims?

**The Honourable Sir Frank Noyce:** (a) and (b). I assume that by Benares Postal Department the Honourable Member means the staff in the Benares City Post Office. From the statement laid on the table in reply to question No. 363 he will see that of a total strength of 316 in that office, there are 59 Muslims.

As regards the remainder of the question, Government cannot agree that retrenchment measures should be utilised to secure a more rapid adjustment of the position of minority communities than is likely to be secured by the rules which govern recruitment from minority communities.

**INADEQUATE REPRESENTATION OF MUSLIMS IN THE POSTAL DEPARTMENT,  
BENARES CITY.**

**366. \*Seth Haji Abdoola Haroon:** Is it a fact that out of 15 time scale town sub-post offices in Benares City, only two were held by Muhammadans and even one of these two has been retrenched with effect from 1st December, 1932?

**The Honourable Sir Frank Noyce:** Information has been called for and will be placed on the table in due course.

**INADEQUATE REPRESENTATION OF MUSLIMS IN THE POSTAL DEPARTMENT,  
BENARES CITY.**

**367. \*Seth Haji Abdoola Haroon:** (a) Is it a fact that the town sub-postmasters in Benares City have all been granted either house rent allowance, or free quarters accommodation? If so, are the Muslim officials deprived of this privilege? If so, why?

(b) If the reply be in the affirmative, what action do Government propose to take to remove this differential treatment accorded to the Muslims?

**The Honourable Sir Frank Noyce:** (a) and (b). As regards the first part of this question, the facts are substantially as stated by the Honourable Member. As regards the rest of the question, postings to the charge of Sub-Post Offices are not made on a communal basis, but Muslim Sub-Postmasters are of course treated in exactly the same way as any others in the matter of allowances and free quarters.

**INTRODUCTION OF AN EXAMINATION FOR OLDER MEN FOR PROMOTION TO OVERSEER'S CADRE FROM THE POSTMAN'S RANK.**

**368. \*Seth Haji Abdoola Haroon:** (a) Is it a fact that an examination of older men also for promotion to the overseer's cadre from the postman's rank has recently been introduced? Is it also a fact that Government have already abolished the examination for promotion to the Lower Selection Grade in the case of similar old people of the time scale grade on the ground that the old men are incapable of sitting for any examination?

(b) If the reply to part (a) above be in the affirmative, what justification have Government for introducing an examination for the older people of one class, while abolishing the examination for such men in another class? Are not Government aware that such differential orders are apt to create anomalies amongst the older people of the postman's rank? If so, do Government propose to abolish the examination for the old people of the postman's grade (saving thereby from the examination the old postmen of the Benares City Post Office too, who have already been served with notices to appear in such examination)?

**Sir Thomas Ryan:** (a) The facts are substantially as stated by the Honourable Member except that the examination for promotion to the Lower Selection Grade has been abolished entirely and not only for the old candidates.

(b) The two cases are not parallel; but I may say that the question whether Postmasters General should not be given discretion to dispense with the examination in the case of reliable senior men is under consideration.

**EXAMINATION FOR THE RECRUITMENT OF LOWER DIVISION CLERKS HELD AT BENARES CITY POST OFFICE.**

**369. \*Seth Haji Abdoola Haroon:** Is it a fact that an examination for the recruitment of Lower Division clerks was held at Benares City Post Office by a European Postmaster (belonging to a neutral community) on or about the 6th October, 1932? Is it a fact that four Muslim candidates ranked 1st, 2nd, 3rd and 4th by merit amongst the successful candidates? Is it also a fact that the examination was subsequently cancelled by the Postmaster General, United Provinces? If so, why and what action do Government propose to take in the matter?

**The Honourable Sir Frank Noyce:** The reply to the first two parts is in the affirmative. As regards the third part, the examination was not cancelled but as it was found that there was already an adequate number of departmental candidates for promotion to the Lower Division clerical cadre with preferential claims, those who had passed the examination were

told that their services would not be required and were advised to seek employment elsewhere. As it is not clear why an examination was held at all in the circumstances the matter is under further enquiry.

**PAUCITY OF MUSLIM OFFICIALS SENT TO THE TELEGRAPH TRAINING CLASS.**

**370. \*Seth Haji Abdoola Haroon:** (a) Is it a fact that there are 30 qualified signallers at Benares City, out of whom there are only two Muhammadans?

(b) Will Government please state how many officials were sent to telegraph training class since 1920, and how many of them were Muhammadans?

(c) Will Government please explain the cause of the paucity of Muhammadan officials sent to the Telegraph Training class?

(d) Are Government aware that in view of this paucity the Muslim officials are handicapped in getting charge of combined offices, entailing loss of late fee, etc.? Are Government prepared to take steps to remedy this?

**The Honourable Sir Frank Noyce:** (a) Yes.

(b), (c) and (d). Exact information prior to 1926 is not available. Since that date 14 officials in all were sent from Benares City Head Office to the Postal Telegraph Training Class; of whom two were Muhammadans. Selection of candidates for training as postal signallers is not made on communal grounds but on grounds of suitability and Government do not propose to depart from this method in favour of any particular community.

**RETENTION OF THE HEAD CLERK, CORRESPONDENCE, BENARES CITY HEAD POST OFFICE, FOR MORE THAN THE PRESCRIBED PERIOD.**

**371. \*Seth Haji Abdoola Haroon:** (a) Will Government state if there are orders against retention of the same official for more than a certain period as Head Clerk, Correspondence, entrusted with the duties of transfers, postings, appointments, promotions, etc., in first class Head Post Office?

(b) If the reply be in the affirmative, the period of such retention may be stated; and the time for which the present Head Clerk, Correspondence, Benares City Head Post Office, who happens to be a very junior clerk, has been working for more than the prescribed period. Is it not an infringement of rules?

(c) What action do Government propose to take for remedying this?

**Sir Thomas Ryan:** (a) No.

(b) and (c). Do not arise.

**APPOINTMENT OF A MUSLIM AS HEAD CLERK, CORRESPONDENCE, IN THE BENARES CITY HEAD POST OFFICE.**

**372. \*Seth Haji Abdoola Haroon:** (a) Is it a fact that from time immemorial, the administrative work of the Benares City Head Post Office, assigned to the Head Clerk, Correspondence, has always been in the hands of the Hindus, to the exclusion of even senior Muslim officials?

(b) If so, are Government prepared to give a chance to a fit Muslim official this time by replacing the present Head Clerk, Correspondence, who is comparatively very junior?



**The Honourable Sir Frank Noyce:** (a) and (b). Government have no information nor do they propose to call for it as appointments to the posts of Head Clerks, Correspondence Branch, are not made on communal considerations.

#### PROMOTION OF TIME-SCALE TOWN INSPECTORS OF POST OFFICES.

**373. \*Seth Haji Abdoola Haroon:** (a) Will Government state if their orders communicated in the Department of Industries and Labour letter No. 14-P.T.E., dated the 27th October, 1928, regarding promotion of Time-Scale Town Inspectors attached to first class Head Post Offices, who held such posts during August and September, 1927, apply only to permanent incumbents or officiating men as well?

(b) Is it also a fact that the Town Inspectors of first class Head Post Offices in time-scale grade holding their post in August and September, 1927, were all promoted to the revised scale of lower selection grade, irrespective of any distinction of their officiating or permanent services by Messrs. Booth and Niaz Qutub, Postmasters General, Punjab and Central Provinces Circle, respectively? Was this justified under the orders quoted?

(c) If the orders leave no distinction and apply to such permanent and officiating Town Inspectors equally, will Government please state whether one Sayed Mehdi Hussain, Town Inspector of Benares City Head Post Office in the United Provinces Circle, who had been working on the post for 2½ years in an officiating capacity, and who held the same post in August and September, 1927, as well, was not allowed the benefit of these orders? If so, why? Was the action of the authorities justified, and what action do Government propose to take now?

**Sir Thomas Ryan:** (a) Presumably the Honourable Member refers to the Department of Industries and Labour letter No. 14-P. T. E., dated the 2nd October, 1928. In the Director General's subsequent general letter issued with the concurrence of the Government of India on the 15th October, 1928, it was made clear that the orders in question related only to the substantive holders of such posts.

(b) The fact is not as stated. In the Punjab and North-West Frontier Circle the ordinary time-scale clerks who had been holding the posts of Town Inspectors in first class head post offices in August, 1927, were allowed to continue in those posts from the 1st September, 1927, on the introduction of the enhanced scale of pay, and therefore the question of treating them under the orders issued in October, 1928, relating to the cases of displaced Town Inspectors did not arise. In the Central Circle one official was treated under these orders because he had actually been displaced to make room for a senior official in accordance with a previous order dated the 15th September, 1927.

(c) Does not arise.

#### RECRUITMENT OF SONS AND NEAR RELATIVES OF POSTAL EMPLOYEES IN THE POST OFFICES.

**374. \*Seth Haji Abdoola Haroon:** (a) With reference to the answers given to Mr. B. Rajaram Pandian's questions Nos. 718 and 719 on the 23rd September, 1932, will Government please state if it is a fact that in

certain departments and for certain classes of staff under Government, definite instructions have been laid down to give preference to the sons and/or near relatives of the employees in the matter of recruitment?

(b) Is it a fact that in certain other departments or classes of staff under the Government, such instructions do not exist?

(c) Are Government prepared to issue instructions laying down a uniform practice in this matter for all departments?

(d) Are Government prepared to order that no preferential treatment should be given to any sons or relatives of existing or retired employees?

(e) Are Government prepared to order that the preferential treatment, if any, given to sons or relatives of employees or ex-employees should be accorded only as against other candidates of the same community, so that the sons or relatives of a Hindu employee should get preference over other Hindu candidates only?

**The Honourable Sir Harry Haig:** (a) and (b). Yes. Certain instructions have been issued in this matter in the Railway and Posts and Telegraphs Departments. No such instructions exist in other departments.

(c) and (d). Government do not contemplate taking the action suggested by the Honourable Member.

(e) The instructions referred to in (a) and (b) above make it clear that any preference given to sons and relatives of Government servants is subject to the observance of the orders regarding the redress of communal inequalities, and no further instructions appear to be necessary.

#### PASS SECTION OF THE NORTH WESTERN RAILWAY.

**375. \*Seth Haji Abdoola Haroon:** (a) With reference to the answer given on the 27th September, 1932, to Sir Zulfiqar Ali Khan's unstarred question No. 123, will Government be pleased to give a brief statement of the increase in work and responsibility of the head clerk and first assistant of the Pass Section of the North Western Railway in 1930, barring the inspection work?

(b) Has there been any increase in scales of pay of head clerks or assistants of other sections of the personnel branch of the Agent's office?

(c) Is it not a fact that on account of the heavy reductions in personnel the work in the Pass Section has been reduced?

(d) Is it not a fact that on account of the recent instructions for using a single form of pass for a double journey instead of separate forms for each journey, the work has been almost reduced to half?

(e) Will Government kindly state if part (f) of Sir Zulfiqar Ali Khan's question referred to above has since been considered, and if so, what orders have been passed on the subject?

**Mr. P. R. Rau:** (a) to (d). I have called for information and will lay the reply on the table of the House in due course.

(e) The question is still under consideration.

**SURPLUS STAFF DUE TO THE TRANSFER OF SOME ACCOUNTS WORK TO THE CHIEF ACCOUNTS OFFICER OR OTHERWISE ON THE NORTH WESTERN RAILWAY.**

**376. \*Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state if it is a fact that on the North Western Railway some class VI clerks in the scale Rs. 285—330 have been rendered surplus on account of the transfer of some accounts work to the Chief Accounts Officer or otherwise?

(b) If so, have any of them been discharged or demoted, if not, why not?

(c) Is it a fact that some of these surplus clerks are being utilized in lower posts on the scale Rs. 215—275?

(d) Is it a fact that while employed on these lower posts, the clerks are still being given pay in the grade Rs. 285—330; if so, why?

(e) Have there been any clerks officiating against grade VI vacancies on the North Western Railway while there were one or more spare permanent clerks? If so, did Government consider the question of utilizing the permanent clerks and reverting officiating hands?

(f) Is it a fact that on the North Western Railway some temporary posts of grade VII, grade V, and other grades have been created in connection with the retrenchment scheme and otherwise?

(g) If so, did Government consider the advisability of utilising some of these spare clerks instead of creating new posts?

(h) Do Government propose to appoint the spare clerks in all temporary or officiating posts of classes V, VI or VII and revert men, who have been given temporary or officiating promotion?

**Mr. P. R. Rau:** I have called for the information and will lay the reply on the table in due course.

**OPENING OF A FLAG STATION AT TANCHHA PROPER ON THE BROACH JAMBUSAR BRANCH OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

**377. \*Nawab Naharsingji Ishwarsingji:** (a) Are Government aware that the Tanchha Station on the Broach Jambusar Line (Bombay, Baroda and Central India Railway) is situated at such a place that the public of surrounding areas have to undergo the greatest inconvenience? If so, are Government prepared to open a flag station at the village Tanchha proper?

(b) Is it a fact that the people of Buwa wanted the present Tanchha Station on the Broach Jambusar Line (Bombay, Baroda and Central India Railway), but, as a flag station has been opened at Nahier on the same line, people of Buwa and of its neighbourhood take advantage of the Nahier station instead of making use of the present Tanchha Station on the same line? If so, have Government considered the advisability of opening a flag station at the village Tanchha proper?

**Mr. P. R. Rau:** With your permission, Sir, I propose to reply to questions Nos. 377 and 378 together.

Government have no information, but copies of the questions are being sent to the Agent, Bombay, Baroda and Central India Railway, for such action as may be necessary.

**BAD CONDITION OF A LEVEL CROSSING ON THE BROACH JAMBUSAR BRANCH OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

†378. \*Nawab Naharsingji Ishwarsingji: Are Government aware that the level crossing at Mile No. 25 between telegraph posts Nos. 2 and 3 on the Broach Jambusar Line (Bombay, Baroda and Central India Railway) is in such a hopelessly bad condition that cultivators of that area have to carry their heavy goods on their shoulders and then to load them in a cart on the other side of the level crossing in question, because loaded carts cannot cross the level crossing? If it is a fact, are Government prepared to invite attention of the authorities concerned to this matter and relieve the poor agriculturists of their misery?

**NATURE OF THE HIGH COURT OF BOMBAY FUNDS.**

379. \*Nawab Naharsingji Ishwarsingji: (a) Will Government be pleased to state the nature of the High Court of Bombay Funds amounting to about 2½ crores as described in the Report of the Reorganisation Committee, Bombay (*vide* para. 319, page 181)?

(b) Is it a fact that the matter of the aforesaid funds is under correspondence by the Government of Bombay with the Government of India?

(c) Will Government be pleased to state whether the matter of the said funds is under consideration or has been finally decided? If it has been finally decided, will Government be pleased to state the final decision in the matter?

**The Honourable Sir Harry Haig:** (a) A list of the High Court funds which are under discussion is placed on the table.

(b) and (c). The matter is still under consideration and no decision has so far been reached.

**LIST OF THE HIGH COURT FUNDS.**

*Prothonotary and Senior Master.*

1. Prothonotary's High Court Suitors' Balance of deposit Account (Investment Fund).
2. Commission Account.
3. Prothonotary's High Court Suitors' Investment of Surplus Interest Fund Account.
4. Suitors' Investment Fund Interest Account.
5. High Court Suitors' Fee Fund Account (Minors' Estates).
6. Suitors' Fee Deposit Account.
7. Prothonotary's Office copy Deposit Account.
8. Testamentary Registrar's Deposit Account.

*Registrar, High Court, Appellate Side.*

1. High Court Pleaders' Examination Fund.
2. Registrar's Security Account (Securities for costs of Respondent and Deposits for preparing transcript record, etc., in appeals).

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†For answer to this question, see answer to question No. 377.

*Master and Registrar in Equity, Commissioner and Taxing Master.*

1. Surplus Fund.
2. Securities in the hands of the Commissioner to the credit of various suits and matters and moneys in the current account with the Imperial Bank of India.

*Official Assignee.*

1. Unclaimed Dividend Capital Account.
2. Unclaimed Dividend Revenue Account.
3. Official Assignee's Commission and Fees Account.
4. Official Assignee's Surplus Commission Account.
5. Official Assignee's Office Provident Fund Account.
6. Official Assignee's account with the Imperial Bank of India relating to securities and cash in various estates and of the above accounts.

*Insolvency Registrar.*

1. Investment of unclaimed balances of deposits from Insolvents and Opposing Creditors.
2. Investment of Interest on No. 1.
3. Current account with the Imperial Bank of India.

**MEETING OF THE JOINT PARLIAMENTARY COMMITTEE IN LONDON.**

380. \*Kunwar Haji Ismail Ali Khan (on behalf of Kunwar Raghbir Singh): Will Government be pleased to state:

- (a) when the Joint Parliamentary Committee is going to meet in London;
- (b) what will be its constitution;
- (c) how many members of the Central Legislature are proposed to be sent; and
- (d) what powers will the latter have?

**The Honourable Sir Brojendra Mitter:** (a), (b), (c) and (d). I invite the attention of the Honourable Member to the address of His Excellency the Viceroy to the Members of this House on the 1st instant to which I have nothing to add.

**ABSENCE OF A THROUGH TRAIN BETWEEN AGRA AND HARDWAR.**

381. \*Kunwar Haji Ismail Ali Khan (on behalf of Kunwar Raghbir Singh): (a) Are Government aware that there is no through train between Agra and Hardwar?

(b) Has the Agent, East Indian Railway, seen to its benefits commercially?

**Mr. P. R. Rau:** (a) Yes.

(b) I am sending a copy of the question to the Agent, East Indian Railway.

**STATEMENT BY MR. GANDHI re HIS SEEKING THE HELP OF THE GOVERNOR GENERAL FOR TEMPLE ENTRY BY THE DEPRESSED CLASSES.**

**382. \*Pandit Satyendra Nath Sen:** (a) Has the attention of Government been drawn to a statement by Mr. Gandhi in a telegram circulated by the Associated Press on the 22nd January, 1933, which runs thus:

"I cannot answer the question, without committing a breach of the pledge given to Government, why, I, having launched the non-co-operation movement, seek the help of the Viceroy on such a question"?

(b) What are the terms of the pledge referred to therein?

(c) Breach of what particular term is contemplated if the leader of the non-co-operation movement explains to the public why he seeks the help of the Governor General for temple-entry by the "depressed classes"?

(d) Was the pledge a written or a verbal one?

(e) If written, was it attested by any witnesses? If so, who are they?

**The Honourable Sir Harry Haig:** (a) I have seen the Press message referred to.

(b) to (c). Mr. Gandhi presumably refers to the fact that when he asked Government to remove all restrictions on the choice of visitors and publication of correspondence regarding the untouchability campaign he stated that these interviews and correspondence would have no reference to civil disobedience and would be strictly limited to the removal of untouchability. Mr. Gandhi has scrupulously adhered to this undertaking.

**Pandit Satyendra Nath Sen:** May I know what is the penalty for a breach of the pledge?

**The Honourable Sir Harry Haig:** I do not think we need contemplate that contingency.

**LEGISLATION ON RELIGIOUS MATTERS.**

**383. \*Pandit Satyendra Nath Sen:** (a) Is religion a subject-matter of legislation in any other civilised country?

(b) If so, where and to what extent? If not, why is it so in India?

**The Honourable Sir Harry Haig:** (a) and (b). I take it as indicative of the Honourable Member's confidence in the wide range of knowledge of the Home Department that he has addressed this question to me. I am afraid, in this case, that the compliment is not fully deserved, but I think if the Honourable Member will consult English history, he will have no difficulty in finding examples of such legislation.

**AGE-LIMIT FOR COMPETITIVE EXAMINATIONS FOR RECRUITMENT TO ALL-INDIA SERVICES.**

**384. \*Mr. S. C. Mitra:** (a) Has the attention of Government been drawn to the article "Give them a chance" published as a "Topic of the Day" in the *Hindustan Times* of the 4th December, 1932 on the editorial page?

(b) Is it not a fact that various competitive examinations for recruitment to the All-India Services were suspended for 1932 and a few even for 1931?

(c) Are Government aware that many students have been entirely shut out from these examinations as they are likely to exceed the age-limit next year?

(d) Do Government propose to raise the age-limit for these examinations only for the first recruitment following the period of suspension?

**The Honourable Sir Harry Haig:** (a) Yes.

(b) Examinations are held annually for recruitment to the Indian Civil Service and the Indian Police Service and have not been suspended: As regards the other All-India Services, recruitment to the Indian Agricultural Service, Indian Educational Service, Indian Veterinary Service, Indian Service of Engineers (Buildings and Roads Branch), and Indian Forest Engineering Service has ceased, while recruitment to the Indian Forest Service and the Indian Service of Engineers (Irrigation Branch) has been suspended and will not be resumed, if the recommendation of the Services Sub-Committee of the Indian Round Table Conference to provincialise future recruitment for these two services is accepted. No competitive examination is prescribed for admission to the Indian Medical Service (Civil) which forms part of the Indian Medical Service.

(c) and (d). As competitive examinations prescribed for the All-India Services to which recruitment continues are held regularly, the question of candidates exceeding age-limits and the relaxation of these limits owing to a failure to hold such examinations does not arise.

## UNSTARRED QUESTIONS AND ANSWERS.

### SHED FOR CARS OF MEMBERS OF THE INDIAN LEGISLATURE NEAR THE COUNCIL HOUSE, NEW DELHI.

1. **Kunwar Raghubir Singh:** What steps have been taken by the Industries and Labour Department to provide shelter for Members' cars near the Council House, New Delhi?

**The Honourable Sir Frank Noyce:** Government have gone carefully into the question of providing shelter for Honourable Members' cars near the Council House and much regret that financial considerations make it impossible for them to proceed with it. It is, however, open to Honourable Members to park their cars in the North-East uncovered court of the North Block of the Secretariat, where there is always shade even in the month of March.

### BUILDING OF QUARTERS FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY.

2. **Kunwar Raghubir Singh:** Has provision been made in the new budget for further building of quarters for Members of the Legislative Assembly?

**The Honourable Sir Frank Noyce:** The reply is in the negative.

## ACQUISITION OF BUNGALOWS IN THE PESHAWAR CANTONMENT.

**3. Mr. Gaya Prasad Singh:** (a) Is it a fact that Government intend to acquire a large number of bungalows in the Peshawar Cantonment?

(b) If so, what is the total number of bungalows which Government intend to acquire?

(c) How many of these bungalows belong to Indians?

(d) Does any of these bungalows belong to a European?

(e) Are Government aware that if these bungalows are acquired, many Indians will be rendered homeless and that many others will lose valuable property?

(f) Is there a civil station at Peshawar where, Indians, who would be turned out of their bungalows, can go to reside?

(g) If not, what arrangements do Government intend to make for them?

**Mr. G. R. F. Tottenham:** (a) and (b). At present Government intend to acquire 13 bungalows in Peshawar Cantonment.

(c) and (d). All the bungalows belong to Indians.

(e) Government understand that only four of the bungalows are occupied by Indians, and that one of these was not so occupied until after notice had been given of Government's intention to acquire it.

(f) and (g). There is no Civil Station, but Peshawar City is close to the Cantonment. Government have no reason to believe that the small number of occupiers who will be displaced will have any difficulty in acquiring alternative accommodation in the neighbourhood.

## ACQUISITION OF BUNGALOWS IN THE PESHAWAR CANTONMENT.

**4. Mr. Gaya Prasad Singh:** (a) What is the total number of bungalows in the Peshawar Cantonment?

(b) How many of these are occupied by Indian owners for their residence?

(c) How many bungalows in the Cantonment are occupied by Europeans and Anglo-Indians?

(d) How many bungalows do Government intend to acquire from among those occupied by Indians?

**Mr. G. R. F. Tottenham:** (a) and (b). Information obtained last year showed that there were 176 bungalows in Peshawar Cantonment suitable for occupation by military officers; 10 of these were occupied by the owners.

(c) Government have no information.

(d) The information is given in the reply to part (e) of question No. 3.

## ACQUISITION OF BUNGALOWS IN THE PESHAWAR CANTONMENT.

**5. Mr. Gaya Prasad Singh:** (a) Is it a fact that not a single bungalow occupied by a non-military European or Anglo-Indian is intended to be acquired in the Peshawar Cantonment?

(b) Is it a fact that Indian residents of bungalows will be affected by these acquisition proceedings?



(c) If the answer to part (b) be in the negative, will Government please state the number and names of the Europeans who might be affected?

(d) If no names can be stated in answer to part (c), will Government explain why houses occupied by Indian owners alone have been singled out?

(e) Are Government aware that this policy is considered by the public to mean racial discrimination? If so, what are the grounds for such discrimination?

**Mr. G. R. F. Tottenham:** (a) Yes.

(b) Yes, but cantonments are intended primarily and essentially for troops and their officers.

(c) Does not arise.

(d) Because there are very few bungalows in Peshawar Cantonment occupied by non-official persons who are not Indians; and accommodation is needed for those military officers, both British and Indian, who are required to live in cantonments in the discharge of their official duties.

(e) No. Because the houses are being acquired for occupation by Indian as well as British commissioned officers.

#### ACQUISITION OF BUNGALOWS IN THE PESHAWAR CANTONMENT.

6. **Mr. Gaya Prasad Singh:** (a) Is it a fact that the house owners of Peshawar sent a deputation to His Excellency the Governor of the North-West Frontier Province and to Major General Orton?

(b) Did they give assuring replies to the deputationists?

(c) Did the house owners of Peshawar request these officers to appoint a Committee, with representatives of the house owners, to go into the question of meeting the demand of houses in the Cantonment?

(d) Did they offer to build more bungalows at their cost to be reserved for military officers?

(e) What answer was made to these suggestions and offers?

(f) Is it a fact that the house owners of Peshawar requested the G. O. C., Northern Command, for an interview in this connection?

(g) Was the interview refused?

**Mr. G. R. F. Tottenham:** (a) The Government of India understand that the house owners submitted a memorial to His Excellency the Governor of the North-West Frontier Province. The house owners also waited on Major-General E. F. Orton, Deputy Quartermaster General in India, at Peshawar.

(b) General Orton explained the position to the house owners, and the necessity for acquiring certain sites.

(c) They made no such request to General Orton.

(d) Yes.

(e) The offer was not accepted partly because it has been made many times before and has never been implemented and partly because it does not offer a really satisfactory solution of the difficulty from the point of view of the general taxpayer.

(f) Government have no information.

(g) Does not arise.

#### ACQUISITION OF BUNGALOWS IN THE PESHAWAR CANTONMENT.

7. **Mr. Gaya Prasad Singh:** (a) Is it a fact that there are large spaces available within the limits of the Peshawar Cantonment on which houses can be built, including three polo grounds?

(b) Why do not Government build houses on these vacant sites with the same money instead of acquiring the houses occupied or owned by Indians?

(c) Is it not a fact that the money, which will be paid to house-owners as compensation in the event of acquisition, can be better utilised for building new bungalows?

(d) Are Government aware that the policy of acquisition of bungalows is considered by the public of Peshawar as being based on racial grounds?

**Mr. G. R. F. Tottenham:** (a) and (b). There are no large spaces in Peshawar Cantonment on which houses could suitably be built. The three grounds used for polo are also required for direct military purposes and must be retained as open spaces.

(c) No.

(d) No, but in any case there is no ground for such a belief.

#### ACQUISITION OF BUNGALOWS IN THE PESHAWAR CANTONMENT.

8. **Mr. Gaya Prasad Singh:** (a) What compensation do Government intend to give the house owners in those cases in which notices have already been issued for the acquisition of their bungalows in the Peshawar Cantonment?

(b) What are the rents of those bungalows at present?

(c) What ratio does the compensation offered bear to the annual rent?

**Mr. G. R. F. Tottenham:** (a) The amount of compensation will be determined and awarded by the Collector under the Land Acquisition Act.

(b) This information was given in the statement laid on the table on the 3rd December, 1932, in reply to Mr. B. R. Puri's starred question No. 1221, asked on the 15th November, 1932.

(c) Does not arise in view of the answer to (a), but, in any case, there is no reason why the compensations should bear any fixed relation to the rent, if the rents themselves are exorbitant.

## STATEMENTS LAID ON THE TABLE.

**The Honourable Sir George Schuster** (Finance Member): Sir, I lay on the table the information promised in reply to starred question No. 1608, asked by Mr. Gaya Prasad Singh on the 7th December, 1932.

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### RE-EMPLOYMENT OF RETRENCHED PERSONNEL OF VARIOUS COMMUNITIES IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

\*1608. (a) Until July last, discharged personnel were re-employed in this office in order of seniority, subject to considerations of efficiency and the maintenance of communal proportions which existed prior to discharge. As this procedure was subsequently found to have been based on a mis-apprehension, it was ruled that in re-employing discharged personnel, one-third of the vacancies should go to the members of minority communities just in the same way as was done in the case of new appointments. The Government of India do not see any reason to deviate in such cases from their standing orders laying down communal proportions in recruiting staff.

(b) Yes. One member of a minority community, who has not passed the recruitment examination, has been appointed, in order to adjust communal inequalities. Recruitment by competitive examination is not compulsory.

(c) Yes. At the time of discharging the temporary staff rendered surplus due to the amalgamation of the Pay and Accounts Offices with their parent office at Calcutta, it was decided that until all the men on the list of temporary staff, as it stood on the 30th November, 1931, were confirmed in either of the two offices, viz., those of the Accountant General, Bengal, and the Deputy Accountant General, Central Revenues, Calcutta, a common roster should be observed. Consistently with this decision it was ruled that until the men in the combined seniority list were exhausted, there should be no recruitment of outsiders. All the clerks who were actually discharged from the office of the Accountant General, Bengal, and the Pay and Accounts Offices, as a result of the amalgamation, have been re-appointed in the former office; but this has not, in the end, resulted in any actual deviation from the standing orders regarding the recruitment of members of minority communities in 1/3rd of the total number of vacancies.

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**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, I lay on the table the information promised in reply to parts (c) to (e) of starred question No. 284, asked by Mr. S. C. Mitra on the 8th February, 1933.

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### GOVERNMENT SUBSIDY TO THE STATESMAN.

\*284. (c) No. Indian newspapers are not excluded.

(d) It would be impossible to give such figures without taking a census.

(e) No. The Commissioners received an application from the Editor of the *Amrita Bazar Patrika*, asking them to advertise the Howrah Bridge notices in his paper. They replied that they were unable to incur further expenditure at the present time under this head but that they would be glad to let him have all such notices for publication free of charge. No request was addressed to the *Statesman* or any other paper in this connection. The advertisement charges paid to the *Statesman* on this account amounted in 1932 to Rs. 972.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands): Sir, I lay on the table:

- (i) the information promised in reply to supplementary question to starred question No. 837, asked by Mr. Rahimtoola M. Chinoy on the 26th September, 1932;
- (ii) the information promised in reply to starred questions Nos. 1565, 1567, 1568 and 1572, asked by Maulvi Sayyid Murtuza Sahib Bahadur on the 5th December, 1932; and
- (iii) the information promised in reply to starred question No. 191 asked by Mr. M. Maswood Ahmad on the 6th February, 1933.

#### RECOMMENDATIONS OF THE HAJ ENQUIRY COMMITTEE.

\*837. The total amount refunded to the shipping companies on account of unclaimed passage money was as follows:

- (1) By the Commissioner of Police, Bombay:

|                             | Rs.    | a. | p. |
|-----------------------------|--------|----|----|
| For the year 1926 . . . . . | 10,065 | 0  | 0  |
| For the year 1927 . . . . . | 20,741 | 10 | 0  |

- (2) By the Protector of Pilgrims, Karachi:

|                             |       |   |   |
|-----------------------------|-------|---|---|
| For the year 1926 . . . . . | 940   | 0 | 0 |
| For the year 1927 . . . . . | 5,994 | 0 | 0 |

|                 |        |    |   |
|-----------------|--------|----|---|
| Total . . . . . | 37,740 | 10 | 0 |
|-----------------|--------|----|---|

#### EMBEZZLEMENT OF MONEY IN THE GOVERNMENT HIGH SCHOOL, AJMER.

\*1565. The question asked by the Honourable Member refers to a matter, which forms the subject of a criminal trial in a court of law. Government are therefore unable to answer any questions relating to it.

#### NON-AUDIT OF ACCOUNTS OF GOVERNMENT EDUCATIONAL INSTITUTIONS IN AJMER-MERWARA.

\*1567. The accounts of Government educational institutions in Ajmer-Merwara, during the last 10 years have been dealt with by the Audit authorities in exactly the same way as of similar institutions elsewhere.

#### PURCHASE OF A CINEMA MACHINE AND ITS APPLIANCES BY THE ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

\*1568. (a) Yes.

(b) Government have no information in the matter.

**DISCRIMINATION IN MATTERS OF ADMISSION AND PROMOTION OF STUDENTS IN THE GOVERNMENT HIGH SCHOOL, AJMER.**

\*1572. (a) No.

(b) Yes.

(c) The differentiation is due to the standards of attainments of scholars and is permissible under the rules of the department.

(d) The answer to the first part is in the affirmative. The second part has been answered in (c) above.

**SILK COCOONS PRODUCED IN INDIA.**

191. The only information available is contained in the Reports of the Departments of Industries Assam, Bihar and Orissa and Madras, for the year 1931-32, Report of the Department of Agriculture, Bengal, for 1930-31, Mysore Administration Report for 1931-32 and the Jammu and Kashmir Administration Report for 1925-26. Relevant extracts from the reports have been placed in the library of the House.

**Mr. G. R. F. Tottenham** (Army Secretary): Sir, I lay on the table the information promised in reply to starred question No. 816, asked by Pandit Satyendra Nath Sen on the 9th February, 1933.

**ALLEGED CASE OF ASSAULT AGAINST THE DORSET REGIMENT AT DACCA.**

\*316. The letter published in the newspaper is entirely misleading, I am informed that on the evening of the 3rd January, when some British soldiers were in the Cafe, in which a gramophone was being played, a crowd gathered outside. Some one in the crowd threw a brick at the window and broke a pane of glass; the shutters were closed by the proprietor, but another brick was thrown. Two regimental policemen thereupon came out of the Cafe to clear away the crowd, which had by then collected on the verandah. They state that the crowd then ran away and that no one was struck by them or any other soldier. The military police then reported the incident to the civil police, who took over the case on the formal complaint of the proprietor of the Cafe.

When interviewed by the District Magistrate the writer of the letter stated that his nephew could not identify the alleged assailant and that he did not wish the matter to be pursued.

**Mr. P. R. Rau** (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred questions Nos. 795, 798, 800, 801, 802, 803, 804, 805, 806 and 807 asked by Khan Bahadur Haji Wajihuddin on the 26th September, 1932;
- (ii) the information promised in reply to starred question No. 1127 asked by Mr. Lalchand Navalrai on the 14th November, 1932; and
- (iii) the information promised in reply to starred question No. 154 asked by Mr. Bhuput Sing on the 6th February, 1933.

## TOTAL EXPENDITURE ON TRAVELLING TICKET INSPECTORS, HEAD TICKET COLLECTORS, ETC.

|   | Rs.      |
|---|----------|
| *795. (a) (i)   | 2,54,634 |
| (ii)  | 1,752    |
| (iii)   | 12,170   |
| (iv) Officer in charge . . . . .  | 1        |
| Divisional Inspectors . . . . .   | 4        |
| Travelling Ticket Inspectors (reduced to 100 from May, 1927, and to 96 from January, 1928, on account of transfer to Crew System) . . . . | 125      |
| Clerks reduced to 16 from 1st May 1927 . . . .  | 22       |
| Peons . . . . .   | 18       |

|  | Rs.      |
|--|----------|
| (b) (i)  | 4,09,637 |
| (ii)   | 27,600   |
| (iii) Information is not available as there was no separate office establishment for this staff. |          |
| (iv) Head Ticket Collectors . . . . .  | 4        |
| Ticket Collectors . . . . .  | 587      |
| Lady Ticket Collectors . . . . .   | 48       |

|   | Rs.      |
|---|----------|
| (c) (i)   | 6,67,187 |
| (ii)  | 56,042   |
| (iii)   | 17,643   |
| (This does not include the cost for the Asansol Division as the work there was carried on by the staff already in service). |          |
| (iv) Inspectors . . . . .   | 17       |
| Travelling Ticket Examiners . . . . .   | 619      |

|   | Rs.      |
|---|----------|
| (d) (i)   | 4,17,586 |
| (ii)  | 29,804   |
| (iii) Same as shown under part (c) (iii) above. |          |
| (iv) Ticket Collectors . . . . .                | 730      |
| Head Ticket Collectors . . . . .                | 7        |
| Lady Ticket Collectors . . . . .                | 37       |

(e) Yes.

### MISAPPROPRIATION OF MONEY BY CERTAIN MEMBERS OF THE CREW STAFF.

\*798. Mr. Duff was a platform Supervisor and it was no part of his duties to collect excess fares which he did without the knowledge of the officers under whom he worked. As regards the second part of the question, the reply to question No. 1110 (f) (i) asked by Sir Mohd. Yakub in the Legislative Assembly on 18th March, 1929, did not refer to a similar offence.

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### STOPPAGE OF THE CONSOLIDATED ALLOWANCE TO TRAVELLING TICKET EXAMINERS WHILE ON CASUAL LEAVE.

\*800. This was due to an oversight which has since been corrected, and orders issued to permit payment.

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### CONSOLIDATED ALLOWANCE OF THE TRAVELLING TICKET EXAMINERS.

\*801. This was done as a result of the general policy adopted by the Government to reduce such compensatory allowances.

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### WORK OF TRAVELLING TICKET EXAMINERS.

\*802. (a) and (b) Yes, but according to the recommendations in the Moody-Ward Report the whole staff work under the Operating Department, and the work is not now tested by the Accounts Department.

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### RE-EXAMINATION OF TRAVELLING TICKET EXAMINERS AND TICKET COLLECTORS.

\*803. (a) To ensure that they maintain a good knowledge of the rules pertaining to their work.

(b) Yes.

(c) They have been given the opportunity of learning their work and undergoing it in actual practice before being tested.

(d) Yes.

(e) No.

(f) Yes.

(g) No.

(h) No, it is not considered necessary.

(i) Yes, in some categories.

(j) In certain categories.

(k) No, it is not considered necessary in respect of certain categories.

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### VISION TEST FOR TRAVELLING TICKET EXAMINERS.

\*804. (a) Yes, but in view of their work not requiring them to be responsible for the safe running of trains, they have since been recommended for test in category BI.

(b) Yes.

(c) Yes, in the original classification which is being revised.

(d) Yes.

(e) Yes.

(f) Yes.

(g) Yes.

(h) Yes.

(g) Yes.

(j) The designation 'Train Ticket Checker' does not exist on the East Indian Railway. If Travelling Ticket Examiners are referred to, as they have hitherto been classified in Category A2, periodical re-examination is necessary under the rules.

(k) On re-consideration it has been decided to re-classify T. T. Es. in Category B1.

(l) All staff are examined both with regard to health and eye-sight at the time of their appointment.

(m) In terms of Regulation 1 of Regulations issued under Circular No. 515/A. E. 1573, dated the 2nd August, 1930, by the Agent, East Indian Railway, a copy of which is placed in the Library of the House.

#### PARTIAL PAYMENT OF ARREARS OF CONSOLIDATED ALLOWANCES TO THE STAFF IN THE DINAPORE DIVISION OF THE EAST INDIAN RAILWAY.

\*805. (a), (b), (c) and (d). I am informed that the varying conditions of the terms of appointment of the staff formerly appointed under the Crew System and subsequently under the Moody-Ward system resulted in certain complications which are being cleared up and that arrangements are being made to pay arrears to the persons concerned as quickly as possible. The Agent reports that the figures asked for are not available.

#### RE-EXAMINATION OF THE STAFF DISCHARGED FROM SERVICE ON THE INAUGURATION OF THE MOODY-WARD SYSTEM IN THE DINAPORE DIVISION OF THE EAST INDIAN RAILWAY.

\*806. (a) Yes, the efficiency test is generally held every three years. But Divisional Superintendents are authorised to hold the test more frequently if considered necessary.

(b) No. There is no such Departmental Circular pertaining to staff under the Moody-Ward Scheme. Such staff come into more intimate touch with travelling public, and in their own interests as well as of the public, it is considered that they should have a thorough knowledge of rules they are guided by in their own work.

#### TRAVELLING TICKET EXAMINERS IN THE MOODY-WARD SYSTEM.

\*807. The merits of each individual were carefully considered and those most suitable were selected for the Travelling Ticket Examiners' posts. Any Travelling Ticket Examiners who were passed over, it may be accepted, were not as suitable as those finally posted.

#### PROMOTION OF INDIAN STATION MASTERS ON THE NORTH WESTERN RAILWAY.

\*1127. (a) The Agent, North Western Railway reports that there were no separate grades for Europeans and Indians in the past, but according to the method of recruitment, staff appointed as signallers rose to the posts of Station Masters, grade III. Such staff were generally Indians. Staff recruited as guards grade IV rose to the posts of Station Masters grade V to VIII. Such staff happened to be mainly Europeans and Anglo-Indians. With the introduction of the revised rules for the recruitment and



training of subordinate staff on State-managed Railways, Indians irrespective of caste or creed, are eligible for promotion to posts of Station Masters grades V to VIII.

(b) Yes; from 1st April, 1920.

(c) No. The Agent, North Western Railway reports that many Indian Station Masters with long service are not promoted to the higher grades of station masters as they have not had experience of the duties of guards or a knowledge of Shunting work in large yards, which knowledge is considered necessary for the posts of station masters at the larger stations. Government are also informed that Indian station masters with long experience at road side stations generally prefer to remain at road side stations rather than proceed through the normal channel of promotion to the higher ranks which is through grade V Assistant Station Master, a grade which involves experience of Shunting work in a large yard (such as a road side station master does not possess), constant movement about a large station for the purpose of duty, and regular night work.

(d) Government are informed that no particulars are available for the period from the 1st April 1920 (when the present grades of Station Masters were introduced) to the end of 1924. From 1925 to date three Indian station masters have been promoted to grade IV and one Guard. No Indian Station Masters or Guards have been promoted as station masters grade V to VIII during that period. As regards vacancies in Grade V, these are filled by promotion from the Assistant Station Master's Grade V, 23 vacancies in which grade were filled in the period named by Guards, because the duties of such Assistant Station Masters involved constant out-door work, knowledge of Yard Shunting, and regular night duty. Vacancies in the grades of Station Masters VI to VIII are usually made from the next lower grade.

(e) There are no Station Masters of lower grade or Guards officiating at present in IV to VIII grades of Station Masters.

(f).

No. of posts given to Indians.

|   | A. S. Ms. and<br>S. Ms. | Other<br>classes. | Total. |
|---|-------------------------|-------------------|--------|
| Sanctioned number of<br>Assistant Controllers                             | 60                      | 7                 | 10     |
| Sanctioned number of<br>Traffic Inspectors (one<br>post held in abeyance) | 43                      | 6                 | 5      |
|   |                         |                   | 11     |

#### INCONVENIENCE CAUSED TO THE PUBLIC BY THE CLOSING OF THE TRAIN SERVICE FROM BHAPTIARI TO RAGHOPUR ON THE BENGAL AND NORTH WESTERN RAILWAY.

\*154. (a) and (c). No.

(b) There has been some indication that the course of the Kosi river may change and recede to the eastward, but it is impossible to say with any certainty that this is a permanent change and there is still considerable danger in reinstating even a fair weather line.

(d) Briefly the general policy of Government is that, if the maintenance of unimportant branch lines should become abnormally difficult or expensive due to alterations in the courses of rivers or other local physical conditions in the country traversed, such lines may be either closed to traffic during certain seasons of the year or even abandoned, if their importance or the volume of traffic over them does not justify the heavy expenditure and great difficulties involved in keeping them open to traffic.

The question of the opening of a fair-weather line to Raghapur has been examined, but the traffic prospects do not justify the expenditure involved.

## THE OTTAWA TRADE AGREEMENT RULES.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, I lay on the table a copy of the Ottawa Trade Agreement Rules, 1932, with reference to paragraph 3 of the Report of the Select Committee on the Indian Tariff (Amendment) Bill.

*Notification by the Department of Commerce (Tariffs), dated New Delhi, the 24th December, 1932.*

No. 780-T. (11).—In exercise of the powers conferred by sub-section 3B of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), and by section 22 of the General Clauses 189, 1897 (X of 1897), the Governor General in Council is pleased to make the following Rules:—

### RULES.

1. These Rules may be called the Ottawa Trade Agreement Rules, 1932.

Short title.

2. These Rules apply to goods consigned from the following countries, namely:—

Application.

- (a) The United Kingdom of Great Britain and Northern Ireland, and
- (b) The Colonies, British Protectorates, and territories under the British Mandate specified in the First Schedule

3. In these Rules—

Definitions.

- (a) "Act" means the Indian Tariff Act, 1894;
- (b) "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland;
- (c) "British Colony" means any country specified in the First Schedule;
- (d) "expenditure on material" means the cost to the manufacturer of the material at the factory or works, including containers but excluding Royalties; and
- (e) "factory or works cost" means the cost of production to the manufacturer at the factory or works and shall include the value of containers and other forms of interior packing ordinarily sold with the article when it is sold retail, but shall not include the manufacturer's or exporter's profit or the cost of exterior packing, carriage to port and other charges incidental to the export of the article subsequent to its manufacture:

4. No article shall be deemed to be the produce or manufacture of any country to which these Rules apply unless the Customs Collector is satisfied that it has been consigned from such country, and—

- (a) where the article is unmanufactured, that it has been grown or produced in such country, and
- (b) where the article is manufactured,—
  - (i) that it has been wholly manufactured in such country from material produced in such country, or
  - (ii) that it has been wholly manufactured in such country from unmanufactured materials, or
  - (iii) that it has been partially manufactured in such country and the final process of manufacture has been performed in such country and that the expenditure on material produced and labour performed in such country in the manufacture of the article is not less than one quarter of the factory or works cost of the article in its finished state:

Provided that where the goods were consigned from a British Colony the material produced and labour performed in any other British Colony may be reckoned as though it were material produced or labour performed in the Colony from which the goods are consigned.

[Sir Joseph Bhore.]

5. If the owner of any goods entered for home consumption claims that they are chargeable with a preferential rate of duty, but is unable at the time of entry to satisfy the Customs Collector that the goods fulfil the conditions laid down in Rule 4, the Customs Collector—

Customs House procedure  
for goods entered for home  
consumption.

(i) shall levy and collect the duty at the standard rate, and, if at any time within a period of three months from the date of payment of duty at the standard rate he receives an application in this behalf from the owner of the goods and is duly satisfied that the goods are entitled to entry at the preferential rate, shall make a refund to the owner of the extra duty levied; or

(ii) may, in his discretion, levy and collect the duty provisionally at the preferential rate, subject to the execution by the owner of the goods of a bond in one of the forms prescribed in the Second Schedule binding himself to pay the balance of the duty.

6. (1) If the owner of any goods entered for warehousing claims that they are chargeable with a preferential rate of duty, but is unable at the time of entry to satisfy the Customs Collector that the goods fulfil the conditions laid down in Rule 4, the Customs Collector shall assess duty at the standard rates.

Customs House procedure  
for goods entered for  
warehousing.

(2) If the Customs Collector is satisfied before the goods are removed from the warehouse that they are chargeable with a preferential rate of duty, he shall reassess them accordingly at the time of such removal.

(3) If the goods are removed from the warehouse without the Customs Collector being so satisfied, they may be dealt with in the manner prescribed in Rule 5.

7. Where any payment of duty due under a bond has not been made in accordance therewith, and upon demand being made the Customs Collector may, in his discretion and without prejudice to his power to enforce the bond, recover the amount due at any time as if it were duty short-levied within the meaning of section 39 of the Sea Customs Act.

Power to levy unpaid  
balances as duty short-  
levied.

## FIRST SCHEDULE.

[See Rules 2 (b) and 3 (c).]

### LIST OF BRITISH COLONIES.

#### *East Africa.*

1. Kenya, Uganda Protectorate, and the Mandated Territory of Tanganyika.
2. Northern Rhodesia.
3. Nyasaland Protectorate.
4. Somaliland Protectorate.
5. Zanzibar Protectorate.

#### *South Africa (including St. Helena).*

6. Basutoland.
7. Bechuanaland Protectorate.
8. Swaziland.
9. St. Helena.

*West Africa.*

10. Gambia.
11. Gold Coast.
12. Togoland under British Mandate.
13. Nigeria.
14. The Cameroons under British Mandate.
15. Sierra Leone.

*Eastern and Far Eastern.*

16. Ceylon.
17. Hong Kong.
18. Federated Malay States.
19. Unfederated Malay States, *i.e.*, Johore, Kedah, Kalantan, Perlis and Trengganu.
20. Mauritius.
21. North Borneo.
22. Sarawak.
23. Seychelles.
24. Straits Settlements.

*Mediterranean.*

25. Cyprus.
26. Gibraltar.
27. Malta.

*Pacific.*

28. British Solomon Islands Protectorate.
29. Fiji.
30. Gilbert and Ellice Islands.
31. Tonga.
32. New Hebrides (Condominium).

*West Indian (including the Falkland Islands).*

33. Bahamas.
34. Barbados.
35. Bermuda.
36. British Guiana.
37. British Honduras.
38. Jamaica.
39. Cayman Islands.
40. Turks and Caicos Islands.
41. Leeward Islands, *i.e.*, Antigua, Dominica, Montserrat, St. Christopher-Nevis and the Virgin Islands.
42. Trinidad and Tobago.
43. Windward Islands, *i.e.*, Grenada, St. Lucia and St. Vincent.
44. Falkland Islands.

[Sir Joseph Bhore.]

## SECOND SCHEDULE.

[See Rule 5(ii).]

## FORM A.

KNOW ALL MEN by these presents that I/we \_\_\_\_\_ of \_\_\_\_\_  
and \_\_\_\_\_

am/are held and firmly bound unto the Right Honourable the Secretary of State for India in Council in the sum of Rs. \_\_\_\_\_ to be paid to the said Secretary of State in Council, his successors or assigns for which payment, well and truly to be made I/we bind myself/ourselves and each of us my/our and each of our heirs and legal representatives firmly by these presents sealed with my/our respective seals, dated this.....day of.....19..

WHEREAS I am/we are the importer(s) of the goods named below which to the best of my/our belief fulfil the conditions laid down by the rules made under sub-section 3B of section 3 of the Indian Tariff Act, 1894, for determining their eligibility to a preferential rate of duty under Part VIII or Part IX of the Second Schedule to that Act AND WHEREAS I/we have not been able to produce at the time of making entry of such goods at the Customs House evidence to satisfy the Customs Collector that those conditions are fulfilled AND WHEREAS the Customs Collector has agreed provisionally to accept duty at the preferential rate pending the production of such evidence and I/we have agreed that if such evidence is not presented to the Customs Collector within three months of the date of this bond or being so presented is not accepted by him as satisfactory I/we will pay to the Customs Collector on demand the difference between the duty paid at the preferential rate and the duty leviable at the standard rate on the said goods NOW the condition of this bond is such that if the necessary evidence as aforesaid shall be produced to the Customs Collector within the said period and he shall accept such evidence as satisfactory or if I/we shall pay on demand the difference between the duty paid at the preferential rate and the duty leviable at the standard rate on the said goods, then the above written bond shall be void, otherwise the same shall be and remain in full force and virtue.

Signed, sealed and delivered  
by the above-named in the  
presence of.....

## FORM B.

KNOW ALL MEN by these presents that I/we \_\_\_\_\_ of \_\_\_\_\_  
and \_\_\_\_\_

am/are held and firmly bound unto the Right Honourable the Secretary of State for India in Council in the sum of Rs. \_\_\_\_\_ to be paid to the said Secretary of State in Council, his successors or assigns for which payment, well and truly to be made I/we bind myself/ourselves and each of us my/our and each of our heirs and legal representatives firmly by these presents sealed with my/our respective seals, dated this.....day of.....19..

WHEREAS I am/we are a regular importer(s) of goods which fulfil the conditions laid down by the rules made under sub-section (3B) of section 3 of the Indian Tariff Act, 1894, for determining their eligibility to preferential rates of duty under Part VIII or Part IX of the Second Schedule to that Act AND WHEREAS it is likely that from time to time I/we may not be able to produce at the time of making entry of goods at the Customs House evidence to satisfy the Customs Collector that those conditions are fulfilled and that the goods, particulars of which are contained in the bill of entry, are assessable to customs duty at the preferential rate AND WHEREAS the Customs Collector at..... has agreed that if, having regard to the nature or particulars of such goods as detailed in such bill of entry, he is of opinion that it is likely that the necessary evidence is capable of being produced to satisfy him that the goods are entitled to be assessed for customs duty at the preferential rate he will provisionally accept duty on such goods at the preferential rate pending the production by me/us of

the necessary evidence, and I/we have undertaken that in every such case I/we will within three months from the date of making entry of such goods present such evidence to the Customs Collector and that if such evidence is not in every case presented within the period aforesaid or if being presented it is not accepted by the Customs Collector I/we will forthwith on demand pay to the Customs Collector the difference between the duty paid on such goods at the preferential rate and the duty leviable at the standard rate AND WHEREAS it has been further agreed with the Customs Collector that the security given by these presents shall cover a total sum representing the difference between such rates of duty of Rs. X/2

and that if and whenever the total unadjusted claims by the Customs Collector against me/us in respect of such unpaid duty shall amount to more than Rs. X/2

the Customs Collector may refuse to consider the possibility of evidence being procurable though not available at the time of making entry of any further goods unless I/we shall offer to the Customs Collector and he shall be willing to accept a further bond in similar terms hereto for such amount as the Customs Collector shall decide NOW the condition of the above written bond or obligation is such that if the necessary evidence as aforesaid shall be produced to the Customs Collector within three months from the respective dates of making the entry from time to time of any such goods and the Customs Collector shall accept such evidence or if the difference between the duty paid on any such goods at the preferential rate and the duty leviable at the standard rate shall from time to time be paid by me/us on the demand of the Customs Collector then the above written bond or obligation shall be void; otherwise the same shall be and remain in full force and virtue.

Signed, sealed and delivered  
by the abovenamed in the  
presence of..... }

J. C. B. DRAKE,  
*Secy. to the Govt. of India.*

*Notification by the Department of Commerce (Tariffs), dated New Delhi, the 21st January 1933.*

**No. 20-T. (3)/33.**—In exercise of the powers conferred by sub-section (3B) of section 3 of the Indian Tariff Act, 1894 (VIII of 1894), the Governor General in Council is pleased to direct that the following amendments shall be made in the Ottawa Trade Agreement Rules, 1932, namely:—

In the Second Schedule to the said rules—

(1) After form A, the following form shall be inserted, namely:—

“FORM AA.

KNOW ALL MEN by these presents we and of  
(hereinafter referred to as “the Importers”) and we (Indenting House or Bankers)  
of (hereinafter referred to as “the Sureties”) are  
held and firmly bound unto the Right Honourable the Secretary of State for India in  
Council in the sum of Rs. to be paid to the said Secretary of  
State in Council, his successors or assigns for which payment well and truly to be  
made we hereby jointly and severally bind ourselves and each of us and each of  
our heirs and legal representatives firmly by these presents sealed with our respective  
seals, dated this.....day of.....19

WHEREAS we the importers are the importers of the goods named below and we the sureties have been concerned in the purchase by the importers of the said goods (are the Bankers of the Importers) AND WHEREAS to the best of the knowledge

[Sir Joseph Bhore.]

and belief of us the Importers and of us the Sureties the said goods fulfil the conditions laid down by the rules made under sub-section 3B of section 3 of the Indian Tariff Act, 1894, for determining their eligibility to a preferential rate of duty under Part VIII or Part IX of the Second Schedule to that Act AND WHEREAS the Importers have not been able to produce at the time of making entry of such goods at the Custom House evidence to satisfy the Customs Collector that those conditions are fulfilled AND WHEREAS the Customs Collector has agreed provisionally to accept duty at the preferential rate pending the production of such evidence and the Importers have agreed that if such evidence is not presented to the Customs Collector within three months of the date of this bond or being so presented is not accepted by him as satisfactory they the Importers will pay to the Customs Collector on demand the difference between the duty paid at the preferential rate and the duty leviable at the standard rate on the said goods NOW the condition of this bond is such that if the necessary evidence as aforesaid shall be produced to the Customs Collector within the said period and he shall accept such evidence satisfactory or if the Importers or failing them the Sureties shall pay on demand the difference between the duty paid at the preferential rate and the duty leviable at the standard rate on the said goods, then the above written bond shall be void, otherwise the same shall be and remain in full force and virtue.

Signed, sealed and delivered  
by the abovenamed in the }  
presence of....." }

(2) In form B. the sign "X"/2, wherever it occurs, shall be omitted.

J. C. B. DRAKE,

*Secy. to the Govt. of India.*

No. 20-T. (3)/33.

A copy of the above notification is forwarded to all Local Governments and Administrations and the Political Officers and to all Departments of the Government of India, to the Private Secretary to His Excellency the Viceroy and to the Military Secretary to His Excellency the Viceroy.

A copy is also forwarded to all Collectors of Customs (with reference to his letter No. 660, dated the 6th January 1933), the Principal Collector of Customs, Colombo, the Collector of Salt Revenue, Bombay, the Accountants General, Madras, Bombay, Bengal and Burma, the Audit Officer, Lloyd Barrage and Canals Construction, Karachi, the Accountant General, Central Revenues, Delhi, the Director General of Commercial Intelligence and Statistics, the Secretary, Tariff Board, the High Commissioner for India, London, the Indian Trade Commissioner, London, the Director, Federation of British Industries, London, the Indian Government Trade Commissioner, Hamburg, Germany, His Majesty's Trade Commissioner in India, all Chambers of Commerce and Associations, the Canadian Government Trade Commissioner in India, the American Trade Commissioner, Calcutta, the Chief Customs Officer, Port Okha (Kathiawar), and to the Central Board of Revenue.

By order, etc.,

LADLI PERSHAD,

*Asstt. Secy. to the Govt. of India.*

( ) To Collector of Customs, Calcutta, only.

## CENTRAL BOARD OF REVENUE.

*New Delhi, the 20th December, 1932.*

*Press Communiqué.*

As soon as the Indian Tariff (Ottawa Trade Agreement) Amendment Bill, which has passed both Houses of the Legislature, becomes law and rules have been issued under new sub-section (3B) of section 3 of the Indian Tariff Act, 1894, the Central Board of Revenue intends to instruct Collectors of Customs that the evidence ordinarily to be required in order to satisfy them that goods named in Part VIII or Part IX of the Second Schedule to that Act are entitled to admission at the preferential rate of duty shall be the production of a certificate in Form A appended, signed by the supplier or manufacturer of the goods.

2. At the same time, Collectors of Customs will be instructed that, in lieu of the form of certificate of origin for iron and steel goods of British manufacture at present prescribed, galvanized sheets of such manufacture should in future be covered by a certificate in Form B appended, signed by the supplier or manufacturer of the goods.

C. No. 603-Cus.-II/32.

Copy forwarded to—

All Collectors of Customs.

The Accountants General, Bengal, Bombay, Madras and Burma, the Accountant General, Central Revenues, and the Audit Officer, Lloyd Barrage and Canals Construction, Karachi.

The Commerce Department.

The Director-General of Commercial Intelligence and Statistics, for publication in the *Indian Trade Journal*.

The Secretary, Tariff Board.

The Indian Trade Commissioner, London.

The Indian Government Trade Commissioner, Neuer Jungfernstieg, No. 9, Hamburg, Germany.

The Canadian Government Trade Commissioner, Calcutta.

The American Trade Commissioner, Calcutta.

The British Trade Commissioners in India, Calcutta and Bombay.

The Director, Federation of British Industries, London.

The Hon'ble the Agent to the Governor General in the States of Western India.

The Resident at Baroda.

The Agent to the Governor General, Madras States.

The Chief Customs Officer, Port Okha (Kathiawar).

The Principal Collector of Customs, Colombo.

(Sd.) W. A. ROSE,

*for Secretary, Central Board of Revenue.*



[ Sir Joseph Bhore. ]

## FORM A.

*Form of combined certificate of value and origin to be written, typed or printed on invoices of goods for which entry into India is claimed at preferential rates of duty laid down in Parts VIII and IX of Schedule II to the Indian Finance Act, 1894.*

(NOTE.—In this form, "United Kingdom" and "British Colony" have the meanings defined in the Ottawa Trade Agreement Rules, 1932.)

I (1) of (2) of (3) Manufacturer/Supplier of the articles enumerated in this invoice hereby declare that I [(4) have the authority to make and sign this certificate on behalf of the aforesaid Manufacturer/Supplier and that I] have the means of knowing and do hereby certify as follows:—

*Value.*

1. That this invoice is in all respects correct and contains a true and full statement of the price actually paid or to be paid for the said goods, and the actual quantity thereof. }

2. That no different invoice of the goods mentioned in the said invoice has been or will be furnished to anyone; and that no arrangements or understanding affecting the purchase price of the said goods has been or will be made or entered into between the said exporter and purchaser, or by anyone on behalf of either of them either by way of discount, rebate, compensation or in any manner whatever other than as fully shown on this invoice, or as follows (5).....

*Origin.*

3. That every article mentioned in the said invoice has been either *wholly grown or produced* or *wholly or partially manufactured* in (6).....

4. As regards those articles wholly manufactured in (6).....that all manufacturing processes, if any, involved in making the articles from unmanufactured raw materials have been performed in that country.

5. As regards those articles only partially manufactured in (6).....

(a) That the final process of manufacture of each and every article has been performed in that country;

(b) That the expenditure on material produced in (7).....and labour performed in (7)....., calculated subject to the qualifications hereunder, in each and every article is not less than one-quarter of the factory or works cost of the article in its finished state; and

(c) That in the calculation of such proportion of produce or labour of (7)....., none of the following items has been included or considered, viz. :—

Manufacturer's profit or remuneration of any trader, agent, broker, or other person dealing in the articles in their finished condition; royalties; cost of outside packages or any cost of packing the goods thereinto; any cost of conveying, insuring or shipping the goods subsequent to their manufacture. }

Dated at.....this.....day of.....193.....

Witness.....Signature.....

## FORM OF INVOICE.

| Marks and numbers. | Description of goods. | Quantity. | Selling price to purchaser. |         |
|--------------------|-----------------------|-----------|-----------------------------|---------|
|                    |                       |           | At.                         | Amount. |
|                    |                       |           |                             |         |

(1) Here insert Manager, Chief Clerk, or as the case may be.

(2) Here insert name of firm or company.

(3) Here insert name of city or country.

(4) The words in square brackets should be omitted where the manufacturer or supplier himself signs the certificate.

(5) Here insert particulars of any special arrangement.

(6) Insert "the United Kingdom" or name of British Colony.

(7) Insert either "the United Kingdom" or "any British Colony".

## FORM B.

*Form of combined certificate of value and origin to be written, typed or printed on invoices of galvanized iron or steel sheets of British manufacture for which entry into British India is claimed at a differential rate of duty.*

I (1) of (2) of (3)  
 Manufacturer/Supplier of the articles enumerated in this invoice hereby declare that I (4) have the authority to make and sign this certificate on behalf of the aforesaid Manufacturer/Supplier and that I] have the means of knowing and do hereby certify as follows:—

*Value.*

1. That this invoice is in all respects correct and contains a true and full statement of the price actually paid or to be paid for the said goods, and the actual quantity thereof.

2. That no different invoice of the goods mentioned in the said invoice has been or will be furnished to anyone; and that no arrangements or understanding affecting the purchase price of the said goods has been or will be made or entered into between the said exporter and purchaser, or by anyone on behalf of either of them either by way of discount, rebate, compensation or in any manner whatever other than as fully shown on this invoice, or as follows (5).....

*Origin.*

3. That the galvanized sheets included in this invoice have been manufactured in the United Kingdom of Great Britain and Northern Ireland from sheet bar—

- (i) made in India, or
- (ii) not made in India, (6).

and that no process of manufacture later than the making of the sheet bar has been carried out elsewhere than in the said United Kingdom.

Dated at.....this.....day of.....193.....

Witness.....Signature.....

Countersigned,

Indian Trade Commissioner,  
 London.

## FORM OF INVOICE.

| Marks and numbers. | Description of goods. | Quantity. | Selling price to purchaser. |         |
|--------------------|-----------------------|-----------|-----------------------------|---------|
|                    |                       |           | At.                         | Amount. |
|                    |                       |           |                             |         |

(1) Here insert Manager, Chief Clerk, or as the case may be.

(2) Here insert name of firm or company.

(3) Here insert name of city or country.

(4) The words in square brackets should be omitted where the manufacturer or supplier himself signs the certificate.

(5) Here insert particulars of any special arrangement.

(6) Strike out entry (i) or (ii) as the case may be.

## THE RAILWAY BUDGET—GENERAL DISCUSSION.

**Mr. Chairman** (Sir Hari Singh Gour): The Assembly will now proceed to consider the Railway Budget. As only one day is allotted for the general discussion of the Railway Budget, I have decided to fix a time limit of 15 minutes for each speech, subject, however, to the discretion of the Chair to be exercised in exceptional cases.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I compliment the Honourable Member for Railways for the able manner in which he presented the Railway Budget. He showed his mastery with the problems of the Railway and the Budget figures just in the same manner as he showed mastery about the import and export in connection with the Ottawa Agreement. We on this side of the House greatly admire his ability in handling the diverse problems with great tact and calmness and even his colleagues in the Treasury Benches cannot claim to speak with authority, on such a variety of subjects as my distinguished friend can do. He is the first Member of the Executive Council who has got the practical experience of running three different Departments, and no one ever acquired the experience of more than two Departments.

Now, Sir, coming to the Budget itself, the Honourable Member did not give a rosy picture, and I believe that the position is really worse. I believe that he has overestimated the income and underestimated the expenditure, and that the deficits by the end of the year will be much more than he is anticipating. Sir, this practice of overestimating the income and underestimating the expenditure has been going on for the last few years. In the year 1931-32, it was estimated that the budget will have a surplus of three crores and that the Railway would be able to pay 5.36 crores to the Central Revenues. But what happened in that year was just the opposite. The Railway was not able to pay anything to the General Revenues, and it showed a deficit of 9.30 crores and they had to borrow from the Depreciation Fund. Now, last year the position was the same. The Government estimated a deficit of 7½ crores, but the actual deficit was 9.84 crores, and this year, I am afraid, the position would be the same. Instead of having a deficit of 7.77 crores, it is likely that the deficit will be about 10 crores. Sir, in the year 1931-32, the income was 86.6 crores; in the following year 1932-33, the income was 86.5 crores—the same thing—and this year it is estimated that the income would be 88.25 crores, i.e., 1½ crores higher than was estimated in the last two years. The reason advanced by the Honourable Member for this increase is the enhancement of the rates and fares; but unfortunately that has not been the experience in the past. The law of diminishing returns is applying to the Railway Budget, and the increase of rates and fares will diminish the income. The Honourable the Chief Commissioner in the Council of State said that in spite of the increase of our rates and fares, the gross revenue had fallen short of our anticipation by 2.45 crores. Sir George Rainy, speaking on the same subject last year, said the same thing. I may quote from his speech in which he said: "the alterations in the rates and fares have not substantially improved the income of the traffic". So, may I remind my Honourable friend that his anticipation that, by increasing the rates and fares, the income will be increased by 1½ crores is a pious hope which, I believe, will not be materialised.

The second point is that his expenditure is rather overestimated. The expenditure in the year 1931-32 was 49.31 crores; last year it was 49.10 crores; and this year it is estimated at 49.35 crores. Does he really believe that he will be able to meet the increments of the officers' pay with the restoration of five per cent. in the whole Department only by an addition of 25 lakhs! I think this is too hopeful and I believe that unless economic steps are adopted, the expenditure will be much more than 49.35 crores. I believe that the income will fall short by about 1½,—expenditure will increase by about one crore, and the total deficit, by the end of the year, will be in the neighbourhood of 10 crores. Therefore, it is very desirable to take steps to restore the balance. Sir, I suggest that an effort should first be made to increase the income by adopting measures, such as methods encouraging excursions by issuing cheap tickets, and by encouraging free movement of internal trade. At present, on account of the diminution of the import and export trade, our traffic to seaport has been substantially diminished, but it is quite possible for the Railway Companies to encourage the movement of the articles and specially the foodstuffs (wheat and other things) from one place to another place by diminishing the rates, by giving greater facilities of transit and by reducing, what I call, the illicit charges on these transports. If these illicit charges are reduced to the minimum by greater supervision, and greater facilities are provided, then it is possible to increase the income. But all these steps ought to be taken by the Railway Board and, I am afraid, none of these things have so far been systematically pursued. The second measure is economy measure, which we will discuss during the next few days; and it is the diminution in the overhead charges. The scale of salaries of these officers may be reduced and the number may be curtailed. They have no doubt reduced the number of men drawing salaries of less than 500 rupees to a much larger extent than they have reduced the officers. This is a point which I do not want to enter into details: we will take up this question later on; but that is the only way by which the economy in the expenditure could be effected.

Lastly, and this is really the most important thing, they can have the economy by reducing their interest charges. I spoke about this thing only a few days back, but two things specially have happened on account of which I would like to refer to it again. In the first place, since I spoke last, the Bank rate of interest has been reduced from four to three and a half per cent.; and, in the second place, accurate figures of loan were not available to me at that time, and they are available now. I find that out of 789 crores of loan, 300 crores have been borrowed at the rate of 5.48 per cent., on which we pay interest of 16.44 crores every year. If no change is made in the general policy on the lines I suggested last time, if only the rate of interest is reduced to the Bank rate of interest on these loans, by floating large loans or by converting it to market rate, then, under this head alone, there will be a saving of 7.44 crores. Therefore, if no other step is taken, and if only the high rate of interest is reduced to the market rate, then the Railway concern will immediately be reduced to paying business; and if the other suggestion, which I elaborated last week is accepted, and money is raised by borrowing at a rate ½ per cent. less than the market rate, with participation in the profits, then the reduction would be 9.32 crores. Therefore, if my Honourable friend will concentrate his attention on this one particular problem during the course of the year, and particularly during the next few

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months, while the low rate of interest prevails, then no effort will be needed in any other direction, and this particular thing alone will achieve the desired object. I would suggest still further that if he may be good enough to borrow large sums of money at the reduced rate of interest in order to undertake bigger profitable enterprises,—because this is a time when money can be purchased very cheap,—then most of our economic troubles in the country will be very much minimised.

I have got only a few minutes left and I will just draw attention to one or two points. The first is the question of depreciation. I have noticed that Government borrowed a sum of 22 crores during the last three years from the Depreciation Fund. But they have not stated anywhere in any of the books supplied to us, as to at what rate of interest this money has been borrowed. I hope that they have not taken possession of it for nothing. That would be very unbusinesslike, if they borrow from the Depreciation Fund, they must borrow at a certain definite rate of interest which may perhaps be fixed in consultation with the Finance Department. We have a right to know what this rate of interest is. I would very much like that they ought to have given somewhere in these volumes and reports, that have been handed over to us, a detailed account of their loans. They have not supplied it. We should know how much loan the Railways obtained in each year and at what rate of interest. These figures will be of great use to us. They should also give the details of the Depreciation Fund. I request the Financial Commissioner, when he gets up to speak, to give us the following information: (1) where is the balance of the Depreciation Fund, i.e., 13.66 crores, kept, (2) whether it is kept in the treasury bills or promissory notes or in any other form of security, (3) what is the rate of interest at which the Depreciation Fund is invested, (4) what is the total amount of interest we get—only a lump sum of 77 lakhs has been indicated in some place, (5) at what rate of interest the Railway Board has borrowed 21 crores from the Depreciation Fund, (6) whether we really mean to pay back the money which we have borrowed from the Depreciation Fund.

Sir, in addition to this loan from the Depreciation Fund, there is another loan, that is, arrears of payment to the General Revenues. According to clause 2 of the Railway Convention of 1924, it is stated:

“Subject to the condition that, if, in any year the railway revenues are insufficient to provide a percentage of one per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.”

We find that during the last three years the Railways owe about 16 crores to the General Fund; it is not a debt on interest: but a debt of honour which they will have to pay during prosperous years. The details of this loan are 5.36 crores for 1931-32, 5.22 crores for 1932-33, and 5.21 for the current year, making an aggregate of 15.8 or 16 crores. Therefore, we have the debt of honour of 16 crores to the General Revenue and about 21 crores to the Depreciation Fund in addition to the capital at charge.

I shall end by summarising my points. In the first place, I would appeal to the Honourable Member to take immediate steps to reduce the interest charges by floating a large loan paying interest at the market rate, that is about 3½ per cent. The second thing I would like is that the details of our loan ought to be published in one of these reports, either in the Explanatory Memorandum or it may be in the Supplement to

the Budget or in Administration Reports. The figures should be available to the public. The accounts of the Depreciation Fund, that is, where this money has been invested, etc., ought also to be given to the public; and, I believe, that if proper actions are taken to increase the revenue and to diminish the expenditure, and particularly to diminish the interest charges, then the Railways will have a brighter future.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, one regret will remain in my mind that I did not hear the speech of the first Indian Railway Member delivered on the floor of this House on the railways of India. However, I have read his speech on the way in the *Statesman*. I find he has been correct on the facts, but, on all his deductions, I am sorry to say, I cannot agree with him. I feel grateful to him for his referring to certain recommendations of the Public Accounts Committee, and having accepted two or three—the most harmless ones. I wish he had carried on the analogy and had given due weight to those weighty recommendations which the Public Accounts Committee have made from year to year. I wish to remind my very very old friend, Sir Joseph Bhore, and I will tell him a bit of the non-official mind. I wish him to know that he is the third Czar in succession to the grand kingdom of the railways in India. There was the Czar Innes before, and then came the Czar Rainy, and now there is the Czar Bhore. Czardom has failed in Russia: and, as far as the railways in India are concerned, it is almost tottering and falling. My friend, the Czar of the Railways, is assisted by two Grand Dukes.

**An Honourable Member:** What about Siberia?

**Mr. B. Das:** I will come to Siberia later on. The Grand Duke Guthrie Russell is generalissimo in the field and is always whispering things into his ear which will never come to pass; and my friend, the Grand Duke Raghavendra Rau gives his advice always on financial matters and he does not apparently give correct advice. If he had given correct advice, I do not find it in the speech of my Honourable friend, the Railway Member, or in the speech delivered by Sir Guthrie Russell in the other House. And Czardoms always remain. My friend, Sir Joseph Bhore, must realise and remember that there are Rasputins in the Railway Board who control the harem of the Railway Board. And who are these Rasputins? There are four or five Rasputins. One is the speed fiend, the expert who is called the speed expert in the Railway Board, but to me he is the speed fiend. The other is the electrification fiend, the other is the standardization fiend, and there is another expert, the efficiency fiend, and the last is the development fiend. These so-called experts or Rasputins advise the Railway Board and the Railway Member; and their expert advice has brought the railways of India to the present deplorable financial strait, since the Railway Finances were separated from the General Finances. The two Czars who preceded my Honourable friend also succumbed to the theory of experts in the matter of Railway Finances. I wish my Honourable friend, Sir Harry Haig, can deport these experts . . .

**Mr. K. O. Neogy** (Dacca Division: Non-Muhammadan Rural): To Siberia?

**Mr. B. Das:** I wish my friend, Sir Harry Haig, can deport these experts to Deoli. My friend, Mr. Neogy, asks whether it will be to Siberia. I say, Deoli in Rajputana is the Siberia of India, and I think Deoli can

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accommodate all these experts, and then only can the Railways be managed more efficiently and economically. The chief thing that amazes this side of the House is the terrible fact that the cost of working expenditure is still at the level of 65 crores. There was the Retrenchment Committee presided over by the Deputy President of this House, and my friend, Dr. Ziauddin Ahmad, was a member of it, but I do not think they have prescribed the right medicine. They wanted an expert Committee, and the Government of India and the Secretary of State, after hunting for experts all over the British Empire, have succeeded in securing one gentleman. I find in my friend, Sir Guthrie Russell's speech in the Council of State, that a reference has been made to the Canadian Pacific Railway. I wish my friend, the Chief Commissioner for Railways had revealed the mismanagement, the gross mismanagement, which existed in that railway, by the very gentleman who was at one time going to be proposed as the Chairman of this expert Committee,—a man who ran the Canadian Government into heavy expenditure,—that was the gentleman who was once proposed as Chairman of the so-called expert Committee to inquire and suggest how Indian Railways could be run economically! I hope it will come to be true that that gentleman is not going to be appointed a member of this expert Committee. It is no use telling us that the Indian Railways are paying three per cent, while the Railways all over the world are not paying so much. I hope both the Railway Member and the Chief Commissioner for Railways are aware of the competition of road motors with Railways. I am told that a conspiracy is being hatched and that the Government of India are in communication with the Secretary of State and the British Government on the other side to make the Railway Board a statutory body. This House will not give any power to the Government or to the Railways to acquire power to run motors in competition with private enterprise. If we have confidence in them, we will do that, but when we know that the Government are going to conceal their mismanagement of Railways by running cheap motor transport and get out a little more profit so that they can go on perpetuating their extravagance, we cannot give them the power to run motors in competition with private enterprise. We warn the Government to set their house in order. They are waiting for the so-called experts, and they have got out a Mr. Pope on whose recommendation the Honourable the Railway Member might come to some conclusion. We do not know whether this expert Committee will be at work this cold weather at least, because three cold winters have vanished. Does the Honourable Member want a revolution in India so that in one cold weather they may bring out this expert Committee and then the Government may act on it? Well, if any Member of this House is given the sole power, he can axe the whole of the Railways and bring out economies in the Railways. Anybody can do it,—because Mussolinis are not born, but Mussolinis are made—because it is the supreme duty of every one of us to show ways of economy.

Then, my friend, the Honourable the Railway Member, referred very happily that they have reduced the size of budget demands of individual Railways from foolscap size to octavo size, but he forgot to mention that although there was some economy in the publication of those documents, it also represented the true history of the Railways that, side by side with the reduction of the size of these reports, the Railway earnings have been reduced in the same proportion.

**Mr. K. O. Neogy:** They still continue to be pink.

**Mr. B. Das:** I hope when we take over the administration, they will become blue.

I will give an idea to my friend. If I were to axe, I will stop all extravagance, and I will order every Agent that he must bring out so much profit; if he does not, he must reduce his staff, otherwise he will get the sack. We must go back to the old stage in 1924 and combine the different offices. In every Railway the traffic and commercial departments have been separated and the officers and staff have been duplicated. I will also ask my friend, Mr. Joshi, and my friend, Colonel Gidney, that they should ask their followers, the labour, to accept wages that a particular industry or the Railways can bear . . . . .

**Mr. N. M. Joshi** (Nominated Non-Official): That is not our principle.

**Mr. B. Das:** I am not discussing principles; I am discussing facts. They must be prepared to accept wages that a particular industry can stand, and the railways cannot stand high wages, they cannot stand over-staffing . . . . .

**Mr. N. M. Joshi:** Who says that?

**Mr. B. Das:** I am saying that.

**Mr. N. M. Joshi:** You are wrong.

**Mr. B. Das:** My friends, the Railway Member and the Chief Commissioner, have not come to any definite decision about the reduction in rates. They raised the rates after the separation of the Railway Finances from the General Finances, and they did not meet with any success except going on with mad orgies and maintaining a few highly paid officials and duplicate staff in certain Railways. They must now seriously consider the reduction of rates, so that they can get better goods traffic and passenger traffic. I would also ask the Railway Member to consider whether the time has not come to recruit Railway Agents from outside India or inside India, from among those who are not in the services of the Railways. At present the officials are accustomed to the bureaucratic attitude of the railway officials. As things stand, any small official entering the Railway can aspire to become the Agent of any Company or State-managed Railway or a Member of the Railway Board or even the mighty Chief Commissioner. If that is so, how can he go against the officials and bring a fresh mind to the Railway problems and bring about economies and retrenchment, and I do think also the time has come when officers, who are recruited from foreign countries, should be recruited only for a period of five years and that they should not be recruited on a permanent basis, so that the muddle which goes on at present may not continue for ever.

There is one other point on which I should like to give an advice to the Railway Member and that is in his favour. Now, that the Honourable the Finance Member is borrowing money at a low rate of interest and converting loans at a low rate of interest, will he ask the Honourable the Finance Member to give him some remission of the interest charges, because money which was borrowed at five and six per cent. is being converted today at four per cent? It is high time that the Honourable



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the Railway Member and the Financial Commissioner should take the opportunity of these conversion loans and I warn those in England and in India who are feeling that the Railways will soon have a period of development. India cannot afford to enter upon any big programme of construction if the net profit is only three per cent., and I hope that our Railway Member, with the experience he has got as Acting High Commissioner and Member for Industries, will not fall into the trap of the British capitalists and add perpetually to the burden of the Indian Railways, when the very present Railways are tottering with a deficit. I do hope that he will bear this in mind.

**Mr. A. H. Ghuznavi** (Dacca cum Mymensingh: Muhammadan Rural): Sir, I extend my sincere congratulations to my Honourable friend, Sir Joseph Bhore. He is the first Indian to hold the portfolio of Commerce and Railways.

Sir, none of us were surprised to find this deficit Budget, but the deficit of nine crores and 47 lakhs is, I must say, a staggering amount. What is the cause? You cannot say that it is due only to the world wide economic depression. It is the short-sighted policy of the Railway Board that has robbed the Railways of their freight and fares. What has been their policy?—Increasing the rates and fares. In spite of these increases, they have not been and they will not be able to balance their Budget in future.

I will give you one instance as to how the Railways have lost considerably and how the coal industry of Bengal has been killed. They have increased the freight on coal. On the top of that, they have put on a surcharge. I ask the Honourable the Railway Member to find out what is the effect of putting this surcharge on coal freight. The South African coal has become current in India. You have put on a duty of eight annas per ton. The second thing is this. Thanks to the Burma Shell Co., they have introduced oil fuel in Bombay. That has also had the effect of killing the coal trade and this also because of the heavy freight. Then, again, the Tata Hydro Electric Scheme has been started in Bombay. They have put on their electric plants and the boilers have been removed from the mills, and those mills are now entirely at the mercy of the Tatas, because they have no boilers and cannot use coal fuel. In this way the Railways have lost the coal freight entirely. From Bengal to Bombay is a very long distance. Throughout the world a concession is given to the largest consumers. Have the Railways ever offered any concession to these large consumers to enable them to use coal instead of other fuel? They have done nothing of the kind. They have ruined themselves. They do not get any freight at all on coal. See what has been the result of increasing the fares. I have travelled no less than four times to Bombay and I was the only first class passenger in the whole train.

**Mr. N. M. Joshi:** Even in the second class, I was alone.

**Mr. A. H. Ghuznavi:** The first class passengers now travel second class, the second class passengers travel inter class, and the inter class passengers now travel third class. This is the result of increasing the fares. And the third class passengers do not travel so often as they used to do. They have raised the rates and fares as if that was the only remedy. The result is also wholesale waste in other departments. The waste is telling. Sir, you will remember and the House will remember that exactly this month

last year I raised a debate on the coal purchase and colliery administration. Honourable Members will remember how I was gagged. I was told I was wrong. What has happened today? Was I right or not? I will ask the House to judge today. Here is a copy of the *Hindustan Times* of the 11th February. I said last year that you were losing 50 lakhs of rupees,—20 lakhs on your purchase side and 30 lakhs on your collieries. Sir, I have proved that that was a fact. Here is the statement:

*"Expenditure on Coal."*

Among the most important features of the Budget, I learn, would be the huge saving that the Railway Board would be able to announce in regard to the expenditure on coal. This has been a sore point with the non-official Members of the Assembly who were helpless in the past."

Mind the expression "helpless in the past". Yes, helpless against the policy of accepting any tender other than at the sweet will of the Chief Mining Engineer.

That is what I said. Now things have changed—and the statement is interesting. It goes on:

"and the matter was subjected during the past year to scrutiny at the hands of Sir Joseph Bhore and his able lieutenant, Mr. P. R. Rau. I learn it resulted in a saving of over Rs. 20 lakhs alone."

**An Honourable Member:** The exact figure!

**Mr. A. H. Ghuznavi:** Sir, I shall give you one example of how they lose money. The Railways have been losing Rs. 14,80,000 in freight year after year as Mr. Whitworth wants the coal to be shipped and not railed to the South Indian Railway and the M. and S. M. Railway. Here is a statement in my hand given to me by no less a person than Sir T. R. Wynne showing that 400,000 of tons of coal last year were required for the M. and S. M. Railway and how they were sent. They could send the coal direct from the coal pit head to Madras by rail, but yet they shipped it. The result of it was that the Railways lost the entire freight and the shipping company—a foreign company, the B. I. S. N. Co.—made Rs. 14,80,000. (Hear, hear.) Sir, Mr. Whitworth, who is considered by the Railway Board to be their expert in this matter, was evidently not looking to the interest of the Railway. He holds that it is not a question of requirements for the B. N. R. or the East Indian Railway, but for the M. and S. M. Railway, and why should they be made to pay the freight by rail which in this case is higher than that by steamship. That is absolutely untrue, and it has been worked out here by Sir T. R. Wynne. Here he has given his figures. The figures show that taking into account the rail *cum* sea route, which must be so because it must be from the coal pit head by rail, then from there by rail to the dockyard and so on, and it works out at Rs. 13'2, but for the sea route it is Rs. 11'7. Here there is a difference of about Rs. 1-8-0. But it is all a fictitious difference. The House will see that it is loaded at the coal pit head, then unloaded at the Kidderpore Dock, and then it is loaded again on to the steamship and it is again unloaded at Madras. It is again loaded on the Railway and carried to the M. and S. M. coal yards. Now, fully 30 per cent. of that coal in the process gets powdered and reduced to dust, and they thus lose lots of money; here the Railways are losing Rs. 4,80,000 in freight. I shall place the whole file of papers on the

[Mr. A. H. Ghuznavi.]

table so that Members may find out for themselves the actual position. (Voices: "Place\* it on the table.") This very thing has, times without number, been brought to the notice of Sir Alan Parsons, and this is the third time that I bring it before this House. Then, all the Railway collieries are second-class collieries. The Government give out that they want to favour the trade and that they do want to give business to private collieries as otherwise the coal-trade will be dead. Now they have not got a first-class colliery at all of their own, and they, therefore, purchase, not out of generosity, but out of necessity.

Now, I ask, Sir, ever since they bought these collieries, did the Chief Mining Engineer call for public tenders to raise their coal? I pause for a reply. Have they ever done it? There you are, there is no answer. What is the result? They are losing Rs. 30,00,000 on that alone and I will prove it how they are losing. After I raised this debate here, Sir, last February, the Railway Board sent out a Circular that in future public tenders should be called. And what was the result? There is a colliery known as Argada and the raising contract was given to a man by name Ladha Singh at Rs. 1-6-0. They called for a tender this year. What has been the result? They got it for 13 annas. These are admitted facts and my friend, Mr. Rau, cannot dispute them. If that is so, that is, 13 annas they got for Rs. 1-6-0,—it means nine annas a ton. My friend, Mr. Rau, might say, how does Mr. Ghuznavi make out Rs. 30,00,000 saving when we raised only 11 lakhs of tons this year? My friend should not forget that this is not the only year. What about the 40 lakhs and 50 lakhs tons they have purchased in good years? Have they forgotten that? (Hear, hear.) And what is the rate these gentlemen pay? It is not Rs. 1-6-0, but much more than that. I have got the figures with me. Then there are only five contractors who amongst themselves have the monopoly of raising their coal. I will go into all these points in detail when the cut comes; I have worked out all the details. I will then be able to show what a colossal loss they are incurring knowingly. Their collieries are absolutely second-class collieries and are working at a tremendous loss. I will just refer to what my Honourable friend, Mr S. C. Mitra, said. He said:

"It has been represented by the Indian collieries and that from the financial point of view that Jarangdih (*it is a colliery which is under the management of the Chief Mining Engineer*), which is a colliery of the Bombay, Baroda and Central India Railway and the Madras and Southern Mahratta Railway, seems to be a complete failure in actual working. In 1930-31, the latest year for which figures are available, the average working cost in this mine was Rs. 5-6-0 per ton."

So, while the average working cost was Rs. 5-6-0 and while the capital expended till 31st March, 1931, was over 64 lakhs of rupees, the output was well-nigh within a lakh of tons. In Religara, though 19 lakhs were spent up to the 31st March, 1931, and 44 lakhs of rupees were spent on two other mines up to the same date, these collieries never produced a single ton of coal for consumption by the Railways. Sir, that is the way in which they manage their affairs in the collieries. It would be much better if they were to shut them down and be done with them.

There is one more point that I wish to make and then I will bring my remarks to a close. Colossal losses are being incurred on the purchase of railway stores. I know this from a particular case and the Public Accounts Committee have also gone into it. The Public Accounts Com-

\*The papers were laid on the table (*vide* pages 889-90 of these debates.)

mittee was not satisfied with the way the East Indian Railway has controlled its stores department. An investigation has been made, which has occupied over three years, and an amazing discovery has been made. I know about this investigation. Mr. Mead, if I remember aright, who was the Controller of Stores, Eastern Bengal Railway, was appointed a special officer to go into these accounts. He had told me that crores of rupees worth of stores are lying there useless. Now, let us see what is their report which they have submitted. They say:

"The Stores Department has discovered that it has no less than 54 lakhs of stocks above those shown in the books."

That is the report which they have got and that is the report which they submitted to the Public Accounts Committee. Now, Sir, I ask this House if 54 lakhs of rupees worth of stores were not shown in the books, was not there an opportunity of theft and pilfering? Goodness knows what further discovery awaits.

**An Honourable Member:** How are they accounted for?

**Mr. A. H. Ghuznavi:** It is for the Railway Board to say. And what is the result? We are paying in the shape of interest the sum of Rs. 2,07,000 on Rs. 54 lakhs at the rate of five per cent. When the cut comes, I will develop this point about the stores. Tomorrow I will discuss and go into the figures for the purchase of coal and also about the management of their collieries. I will then prove that the closing down of the collieries will be more economical than their running. It will be better for them if they reduce their rate as it will add to the revenue and will not show such a big loss as they are showing at present. Sir, the offices of the East Indian Railway and the Eastern Bengal Railway are just across the street and still they have a huge staff to run the East Indian Railway and an equally huge staff to run the Eastern Bengal Railway. Why cannot they amalgamate these two Railways? Their mileage is not very much. A bigger mileage is run by one Agent in the case of the North Western Railway. Then, the whole of the Bengal medical administration is supervised by one Surgeon-General, but in the case of these two Railways there are two Chief Medical Officers.

**An Honourable Member:** They work day and night.

**Mr. A. H. Ghuznavi:** Yes, the Chief Medical Officer, East Indian Railway, is also the Vice-Chancellor of the Calcutta University and naturally he works for 24 hours. Sir, if you amalgamate the staff of these two Railways, you will be able to save at least 20 to 30 lakhs of rupees straightaway. Perhaps even more than that.

**Mr. Chairman** (Sir Hari Singh Gour): The Honourable Member will now bring his remarks to a close.

**Mr. G. Morgan** (Bengal: European): Mr. Chairman, I do not propose to follow the line taken by my Honourable friend, Mr. Ghuznavi. I will not put forward any special pleading on any particular subject, but I should like to touch on a few of the points made in the speech delivered by the Honourable the Commerce Member and also by the Chief Commissioner for Railways in another place. I would like to congratulate

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the Honourable Member in charge on the result of the revised estimate of 1932-33. My humble estimate was a deficit of 11 crores, which, I am glad to see, is not the case. The Honourable Member has been able to revise his figures and the total loss now is 9½ crores. I do not know whether my Honourable friend, Dr. Ziauddin Ahmad, was referring to 1932-33 when he mentioned ten crores as a deficit or whether he was referring to 1933-34, but that does not matter.

With regard to the position of the Railways in India, reference has  
 1 P.M. been made by Government to Railways in other countries and reference has been made to the United States of America. I think, Sir, we can congratulate ourselves on the position of Indian Railways today. As the Honourable Member in charge pointed out, the net traffic receipts at present amount to 24 or 25 crores which would have represented a three per cent. dividend on the 800 crores capital of the commercial lines. And I do not know, although I have studied the Railways of a good many countries, that I have been able to find Railways in any country in that position today.

Now, there are some points which I should like the House to remember. One is that the reserve fund is now standing at *nil*; another is that the contribution of the 1/5th surplus to the Government is *nil*. We now have to draw on our depreciation fund for any deficit, and for 1933-34 the amount will be 7.77 crores. But, as pointed out by the Honourable Member, contributions *versus* withdrawals from the depreciation fund are going to be a subject for examination, and I am very glad that the Honourable Member has made that statement on the floor of the House, because I am of opinion that the depreciation fund contributions, withdrawals and amounts should be thoroughly investigated.

Then, Sir, with regard to the expert examination which is going on just now by Mr. Pope and three or four Indian Railway experts, I notice that the Honourable Sir Joseph Bore said that he hoped that the expert Committee would come out next year to work on the data given by the report which will emanate from Mr. Pope. All I can say is that I hope that a Committee will not come out. I do not think we want any expert Committee now to report on the working of the Indian Railways. In my opinion we have sufficient experts,—I hate the word “expert”, but I must use it,—we have sufficient expert knowledge in this country to work on the data, or whatever Mr. Pope may put forward in his report, to economise in every direction; and I am perfectly certain that the results of last year have shown definitely that Indian experts are capable of economising if they are put to it.

Now, Sir, with regard to staff pay, the Chief Commissioner for Railways in another place made some reference to staff benefit funds and relief of indebtedness. I approve of the action which has been taken in the cut being restored along with the restoration of the cut all round, but a question arises,—and it is a larger question than merely of railway employees,—whether, under present conditions, the increments of grade pay should not be held up for a year. This question I will ask my Honourable friend, the Commerce Member, to consider. But there is another point I should like to mention and that is the question of this indebtedness of subordinates. I understand that they find it very difficult to collect their pay, and I think an inquiry might be made as to whether

there are certain unofficial actions taken by those who pay out the salaries of these people by deducting indebtedness at source on behalf of those who have lent the money.

I would refer now to road and rail transport and the report. I think we may congratulate Messrs. Kirkness and Mitchell on the excellent report which they have submitted and one may hope that at the Conference in April some real good will emanate from the deliberations. But there is one point I should like to draw attention to and that is that we continually hear about the terrible losses which have accrued to the Railways owing to bus competition. I notice from the report which I have just mentioned that the Railways find it very difficult to assess their losses. The figure is given in the region of one crore and 90 lakhs, but at the same time the authors of the report say it is very doubtful if that figure is anywhere near correct. In fact it is so intricate that it is impossible to put a figure on that particular competition. There is another point with regard to buses. We must remember that when a bus runs, it does not mean that it is definitely taking away traffic from the railway. From my own personal experience I can say that a great percentage of that is new traffic, and I am glad to see that Messrs. Kirkness and Mitchell refer to that particular point.

Now, Sir, with regard to railway rates. We all dislike railway rates being put up and we are not at all convinced that this raising of railway rates is sound. We always get the reply from the Railway authorities: "Prove that we shall get more traffic by lowering the rates and we will give you these lower rates at once." It is very difficult to prove, because a shipper is not going to ship goods on consignment in order to prove to the Railways that he can sell those goods profitably at a lower rate of freight. But with the rates in force, he says: "I cannot do any trade." The Railway authorities say: "We do not know why that is so." I am glad to see that the railway authorities are evidently now alive to that position. This is what the Chief Commissioner for Railways says:

"The result will be the saddling of Railways with a load of debt which would require to be met with a further increase in rates and fares, a contingency which we are particularly desirous of avoiding as it must react on trade and industry and delay their revival."

That is a very important point, and I hope that the Railway authorities and the Honourable Member will keep that definitely before them. I think I am divulging no secret when I say that in the Ottawa Committee stress was laid on the particular point of railway rates to ports for export business. Some of my Honourable friends will confirm this. My Honourable friend, Mr. Ghuznavi, mentioned about the Railway-owned collieries. I have had a great deal to say about this matter in the last two years, but I will only mention this, that in the accounts for 1933-1934 items appear of 5½ lakhs for the Talchar coalfield and three lakhs for Kurasia coalfield, which are certainly amounts greatly in excess of what I expected, and I do hope that the Railway authorities will keep down the expenditure on development to the very lowest possible point.

With regard to the capital expenditure, some attention has been drawn to the fact that the Railway authorities have allowed 11 lakhs for M. and S. M. Salt Cotours Yard and Hubli station remodelling, but, as a member of the Railway Standing Finance Committee, I should like to inform the House that these items were gone into very carefully with the Financial Commissioner and, in approving of the project, we were satisfied that

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these 11 lakhs had to be spent in order to retain the present traffic. There are still 19 lakhs of rupees to be found some time to complete these projects.

Now, Sir, with regard to amenities for third class passengers. I happen to have been a member for some years of the Eastern Bengal Railway Advisory Committee, and the question of amenities for third class passengers was one which was brought up at every single meeting so far as I can remember. So much so, that the Agent at each meeting gave a statement showing what had already been done on the proposals put forward by members of that Advisory Committee, and I may say, Sir, that, so far as my experience goes, we were quite satisfied with the sympathetic, and not only sympathetic, but practical results of the efforts of the Agents and the staff with regard to the third class carriage amenities. I am not only talking about the Eastern Bengal State Railway. It is important that all Railways should keep this definitely before them; if they are going to compete with buses, they must give the amenities which buses provide, and I am told,—I have never travelled in any of these buses—but I am told that the bus amenities are certainly better than third class amenities. We must, however, remember that there are practical difficulties. You cannot scrap the entire third class rolling stock to provide something which would necessitate the building of a new carriage. Therefore, Honourable Members must have patience. Keep on pressing the point so that when replacements come along, we can have a better type of carriage for third class passengers. After all, the basis of the profit in passenger traffic is the third class passenger.

Sir, last year, the then Leader of the European Group, Sir Hugh Cocke, mentioned the question of the administration of transport. I will not enlarge on that now, because it is a matter which must be held over meantime, but it is absolutely essential that as we are going into the question of road and railway working and co-ordination, we should have a definite Executive, controlling and co-ordinating railways, roads, inland steamers, and motor transport; only in that way can we get transport throughout India put on proper basis.

I would like to ask one question from the Honourable the Commerce Member. In the British Trade Commissioners' Commercial Bulletin for January, there is a very interesting note on the railway motor engine, and I should like to ask the Honourable Member whether any investigations with regard to these Diesel Oil Engine locomotives has been taken in hand by the railway authorities. Of course we all know from the figures how cheap they are to run, but we must always keep our eye on the source of the supply of fuel, and as the fuel will be oil, and unless we find that this experiment, which has been carried in the United Kingdom of obtaining oil from coal, is going to be satisfactory, we would be dependent on the oil companies for our supplies, who may be philanthropic but still very large combines. I hope that the Honourable Member in his reply will give us some information on that point.

Sir, that is all I have to say on the general discussion.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Chairman (Sir Hari Singh Gour) in the Chair.

### MESSAGE FROM H. E. THE VICEROY AND GOVERNOR GENERAL.

**Mr. Chairman** (Sir Hari Singh Gour): I have received the following Order of H.'s Excellency the Viceroy and Governor General:

(The Assembly received the Message standing.)

*"In exercise of the powers conferred by rule 2 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby appoint the Honourable Sir Joseph Bhore, to perform the functions assigned to the Finance Member under rule 46 of the said Rules on the occasion of the general discussion appointed for Monday, the 20th February, 1933, on the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.*

(Sd.) WILLINGDON,

Viceroy and Governor General."

New Delhi;

The 20th February, 1933.

### THE RAILWAY BUDGET—GENERAL DISCUSSION.

**Mr. D. N. O'Sullivan** (Bombay: European): Sir, if the public press of this country is any real index of public opinion, there seems to be a bit of optimism about this Railway Budget introduced by the Honourable the Commerce Member. Personally I do not think this is a matter of congratulation for this Budget. It is a Budget of an official assignee. I congratulate the Honourable the Commerce Member on the very able way in which he has presented this Budget, but I do not think his powers of prophecy are a matter for congratulation.

I remember once hearing Lord Reading, when he was Chief Justice of England, saying with reference to the statement of a certain man, that he was meandering in the Elysian fields of doubtful hypothesis, and I think that term can very aptly be fitted as a description of this Budget or rather not the whole of it, but to the Budget Estimate. I would refer to one portion of his very able speech. The Commerce Member has said:

"In the hope that we have plumbed the lowest depths of the present period of economic depression and we may anticipate a slight recovery, we are placing our estimate of traffic earnings about 1½ crores or barely two per cent. above the current year's figures."

Why two per cent. above the current year's figures? Why not five per cent. below the current year's figures? What is the reason for this optimism? On what does he base his premises? We all know that there is a world wide economic depression. That is not his fault, nor the fault of anybody in this House; but I think it is universally agreed among people, with any knowledge of economy, that we are far from having plumbed the lowest depths of the economic depression. We are not on the upward grade, and we can never be on an upward grade until the finances of the world are put on a settled basis. These are matters outside our province. The Honourable the Commerce Member has said in another



[Mr. D. N. O'Sullivan.]

portion of his speech that the 800 crores of capital of the Indian Railways are earning three per cent. My humble submission is that this is purely fictitious, and a perusal of his speech will bear me out. However, there has to be a certain amount of bolstering up. It is very unfortunate that it falls to my lot to make these criticisms, because I am afraid I cannot agree with the declamation that has preceded me this morning and I do not propose actually to proceed any further in this vein, because the Honourable Member has a very uphill task, and I have no doubt he will find very great difficulty in answering the various—I will not say accusations—statements that will be brought forward tomorrow by a number of my expectant friends, I mean the Honourable Members here. I can see them looking forward in anticipation to tomorrow when the demands for grants will be taken up. I will leave them to it and Sir Joseph Bore to his task. My real reason for trespassing upon your time, Sir, and upon the time of this House is to endorse what my friend, Mr. Morgan, said this morning about the depressed condition of some of the lower ranks of the staff of the Railways. I notice from the speech of Sir Guthrie Russell in another place that he says:

“Staff Benefit Funds, which were introduced on State-managed lines in 1931, have been, or will shortly be, introduced on all Company-managed lines, and a Lower Paid Staff Fund, to relieve indelbtedness among the lower ranks of the staff, is now in existence on the East Indian and the North Western Railways. . . .”

These measures are quite inadequate to cope with the deplorable state of affairs existing among Railway servants in all the Railways in India today. It is a very serious state of affairs. It has been said that from the cradle to the grave the Indian peasant is in the hands of the money-lender. That is as it may be. But I think I can say with some authority that the Indian Railway subordinate is in the hands of money-lenders from the time almost he joins the service to the day when he leaves it. The need for money arises from various causes naturally—extravagance in some cases, and the genuine need for money in other cases, sickness and matters of that kind; and the path of the Railway subordinate is indeed rosy to begin with, but later on it is a bed of thorns. The first step is generally an application to one of these various credit societies. Railways run co-operative credit societies. The name varies on different Railways. They get a loan; their pay is cut and then the trouble commences. They get a very small proportion of their pay cut and then they fall into the hands of money-lenders, and then the inevitable happens. They find themselves owing several times more than they borrowed. Decrees in Courts of law follow with inevitable attachments on their pay and I understand the law department of the Railways and the accounts department are kept continually busy dealing with these attachments. We all know—the lawyer Members of this Assembly well know—the Code of Civil Procedure confers certain protection in these matters. Railway servants drawing Rs. 40 a month have their pay exempt from attachment. Those drawing from 40 to 80 rupees—in their case the first forty rupees is not liable to attachment; and those drawing over 80 rupees a month can only have half of their pay attached. But who can live on half his pay, least of all the Railway subordinates? Most of them are married: the Indian marries early. Anglo-Indians form a large number of those employed on the Railways all over India. Many of them, presumably finding themselves in a somewhat secure position, embark on matrimony with the attendant liabilities and, Sir, to come to

the point, you have this terrible loss of efficiency as a result of this indebtedness. It is colossal. There is no question about it. Apart from any other considerations, considered from the human point of view, no man can put his best in his work in such circumstances. I shall give you an instance. There is an enormous waste of time in respect of Court attendance. On one system alone, you can conceive what the waste of time would be like, assuming that about 30 per cent., and I think this is a very conservative estimate, of the lower paid employees are in the hands of money-lenders. They have constantly to apply for leave. It is a further hardship. Take the case of a man stationed at Lahore. He borrows money, gets into difficulties. He is transferred, say, to the other extremity of the line, Karachi. He receives a summons through official channels. How can he proceed there? He may or may not get the leave. If he proceeds to Lahore, it is a waste of public time. If he does not proceed to Lahore, enormous difficulties arise as far as he is himself concerned. Then there are other hardships involved. There is a rule in force on some Railways that if a man's pay is attached for a period more than one year, he is liable to dismissal and this leaves the man again at the mercy of the money-lender who is always ready with a further loan and he uses that lever as much as he can. The ultimate result is possibly the Official Receiver, before the Railway subordinate can take the protection of the Insolvency Court. He has to take special permission. This permission is frequently granted, and when it is granted, it means further waste of time, as he had to dance attendance at the office of the Official Liquidator, involving loss of efficiency and consequent loss of money to the Railways. These are all matters which require looking into. They may sound trivial, but they are not. I submit that the most stringent legislation should be taken in hand to deal with this pressing question. I see Sir Henry Gidney is taking notes. I hope he will endorse what I say.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): How does he spend the money borrowed?

**Mr. D. N. O'Sullivan:** I suggest, Sir, that legislation should be taken in hand to deal with this matter. The provisions of the Civil Procedure Code are not sufficient to overcome this evil.

I see that I have got only two minutes more. I should like to make one observation with reference to the Budget speech. I see that there is no reference made to Local Advisory Committees. I do not know whether Government have taken into consideration whether they are really worth the money they cost. I may be courting unpopularity in making this statement, but there is a tendency in these days to appoint ten men to do the work of one. The press in this country is far more powerful today than it was ten years ago and I suggest that the press can be utilised more fully in order to carry out the objects of these Advisory Committees and I suggest that this point should be taken into serious consideration and Government should abolish these worthless Committees.

**Lala Rameshwar Prasad Bagla** (Cities of the United Provinces: Non-Muhammadan Urban): Mr. Chairman, this is the first occasion when we have the pleasure of seeing a distinguished Indian presenting the Railway

[Lala Rameshwar Prasad Bagla.]

Budget in this House since its inception, though unfortunately an unhappy Budget. I feel I should have congratulated him but for such a heavy deficit. The gloomy picture presented by the Honourable the Commerce and Railway Member hardly justifies the steps contemplated to be taken to restore partially the cut in salaries. Being a commercial man myself, I can never think of a losing business concern increasing the emoluments of the servants. Sir, I would not mind, or, as a matter of fact, none would mind paying the servants as highly as it is consistent with the financial position. None grudges the earning man, but no instance can be found either of an individual or a concern increasing the wages of the workers even when it is persistently losing heavily. It is high time when the Government should take notice of it and, after thorough scrutiny, properly handle the situation, otherwise they will land themselves in such depths where it will not be possible to emerge from.

Sir, so long as the net revenue is not sufficient to meet the interest charges, the most stringent economy is absolutely essential. It is not any real consolation that the Government do not propose to take any further expansion in hand though warranted by the circumstances. There are still many such tracts in the country which, because of the lack of proper means of communication and transport, are far behind the mark. Sir, it has often been urged on the floor of this House that the increase in freight and fares is, to a considerable extent, if not greater extent, responsible for the fall in income, but has not yet met with favourable consideration from the Government. It does not require any super sense to understand that the reduction will increase the traffic and bring it within the reach even of the poor which will result in enhancing the income. This is a well established truth that the less the charge the more the customers, resulting in greater profits. The old system of issuing week-end intermediate class tickets should be re-introduced. If, however, it is not feasible to do away with the condition of 100 miles journey, it should be reduced by half. The system of issuing Coupon Books, which considerably helped the business and in return earned a fair amount to the Railway, should also be re-introduced. The axe of the retrenchment and reductions should be laid against the fat salaries and not the low paid who in reality are the mainstay. The Lee concessions, which were granted by the Government in bright circumstances, should in the present adverse circumstances be withdrawn.

Sir, in spite of the top-heavy administration, it has not succeeded in eradicating the corruption in the services, but has simply duplicated the work. The Railways should be run more on business lines than on administrative. The minimum of expenditure and maximum of comforts should be the watch words.

**Mr. N. M. Joshi:** This Budget like several of its predecessors is a very depressing one. Unfortunately the Government of India, instead of learning any lesson by their past experience of some years, have continued to follow their mistaken policy, with the result that, instead of getting rid of the depression and the deficits, they are getting deeper into it.

Mr. Chairman, the Government of India, in my humble judgement, in these difficult times, are following a policy which I may call a policy of defeatism. They surrender themselves to the first difficulty with which they meet and follow a policy on account of which they are getting

deeper into the mire. They make retrenchments, they cut down the salaries, with the result that there are fewer purchasers for goods in the country and the depression deepens. They increase the rates and fares, with the result that the goods transported and the passengers transported go down in quantity and in numbers. I, therefore, feel, Mr. Chairman, that the Government should now give serious consideration to the policy which they are following. I feel that, instead of following this defeatist policy, they should follow the bolder and more forward policy which successful industrialists do under similar circumstances. Let them not cut down their programme of construction. Money is cheaper, and it is much better under the present circumstances to borrow money and to undertake larger programmes of construction. Instead of retrenchments of staff, let them provide increased employment for the staff and, instead of cutting down rates and fares, let them give encouragement to traffic, both passenger and goods.

Mr. Chairman, I feel that there is no doubt that the present deficits are due to the world depression, but the world depression is not the sole cause of the difficulty of the Government of India in the management of their Railways. I have felt for a number of years that they have been following a wrong policy, based upon a wrong principle of management of the Indian Railways. What is their policy? The principle underlying their policy is to give more to those who already have much and take more from those who possess very little. It is on account of following that policy that the Railways in India have got into a difficulty. I quite realize, Mr. Chairman, that the Government of India may not agree with the views which I hold as regards the management of the country's industries which are under the control of the Government of India. I myself hold that the Railways were introduced and have been maintained by the Government of India not to provide profit, but to provide means of transportation for the people in this country; and, if the Railways are a national service, then they should be conducted on principles that are proper for conducting such national and social services. They should for these services make people pay according to their ability to pay and to give to people according to their need. Mr. Chairman, this is the principle I would urge on Government with regard to the management of the Government industries. This is the way of conducting industries on moral lines, but I am told, Mr. Chairman, that the Government want to conduct their industries not on high moral principles, but on business and commercial lines. Sir, although I do not agree with this principle, I am quite willing to examine the question whether the Government of India are managing our Railways on commercial and business lines. What is a business or a commercial principle of management? You must make people pay for the services which you render to them.

Now, Mr. Chairman, I would like to examine some aspects of the Railway management to see whether they are really conducted on these principles. I shall take for my examination the passenger traffic. The Government of India derive a large part of their revenue from Railways from the third-class passenger traffic, but what are they doing for the third-class passenger? The Government's policy is not based upon, what I may call, business or commercial principles. The first-class traffic pays them the least; I may even say, it does not pay its way, while the third-class traffic, on the other hand, pays them the most. But, in the matter

[Mr. N. M. Joshi.]

of attention paid to the needs and comforts of the third-class passenger and the services rendered to him, that is in inverse proportion of what he pays. Mr. Chairman, I am sure, when the Honourable Member gets up to reply, he may point out to me several pages of the Report which they have published and to the plentiful statements that are made about what has been done for the third-class passenger. Mr. Chairman, I am not satisfied with these stray things. What I should like the Government of India to tell me is this, namely, to state what amount they receive from the third-class passengers, and what accommodation in carriages is provided for them. I would like them to give us figures as to what they receive from the first-class passengers and what amount of accommodation is given to the first-class passenger, and I would like them to convince this House that the first-class passenger is not given more than what he should be given on account of the money that he pays. Mr. Chairman, I do not wish to go into figures on this question, but I shall deal only with one figure. A third-class seat costs Government Rs. 260, while a first-class seat costs Government Rs. 4,000. I have gone into the figures of what Government earns from each third-class seat and from each first-class seat. Now, while by investing Rs. 260 on a third-class seat Government make Rs. 241, by investing Rs. 4,000 on a first-class seat Government make only Rs. 208!

**Mr. F. E. James** (Madras: European): How do you work that out?

**Mr. N. M. Joshi:** I shall go into the figures when I speak as regards the grievances of the third-class passengers, but you may take these figures from the report published by the Government of India. Now, to make Rs. 240 on a capital of Rs. 260 and to make Rs. 208 on a capital of Rs. 4,000 is certainly not a business or commercial principle. Sir, I do not wish to go into details, but what I should ask the Government to do is this, namely, to give me a definite statement as to what accommodation they give on the railway station to the third-class passengers, say, by way of waiting room and what is the space given to the first-class waiting room, then what is the space given to the third-class refreshment room and what is the space given to the first-class refreshment room. I also want them to tell me what revenue they earn from third-class passengers and what revenue they earn from first-class passengers. If they can convince the House that they are giving his due to the third-class passenger, and not more than his due to the first-class passenger, then certainly they are running their railways on commercial or business principles, but if they are not doing it, then they are not only not conducting their Railways on the principle that I have enunciated, the principle of morality, but they are also not conducting their Railways even on the very low principle, namely, that of business or commerce. Mr. Chairman, the Government of India have followed this policy not only in this matter of the treatment of passengers, but they

3 P. M. have followed the same policy of giving more to those who have more and less to those who have less in the matter of the treatment of their employees. Look at the salaries paid to the European officers and look at the salaries paid to the lower subordinate staff. Mr. Chairman, my colleague has already spoken about the difficulties of the railway employees. Their difficulties are due, firstly, to this wrong principle which the Government of India follow, namely, that they give more to those who already have more; they pay their officers very large

salaries without the least necessity for them. If you are really running your Railways on business and commercial lines, you will advertise for your officers and pay them according to the market rates. You are not willing to do that for your officers, but you only apply the principle of market rates in the case of your subordinate staff. You cannot make your Railways profitable by applying one principle to your European officers and higher officers and another principle to your lower subordinate staff. I consider that this policy of the Government of India to show favour to the higher classes in the administration of your Railways in the matter of accommodation and comfort and not giving the same treatment to your employees of all grades is at the root of your difficulties. To show favour to one class in the manner in which I have shown is a sort of corruption on account of which you are bound to get into difficulties. Sir, when the Government of India themselves, who are at the top of the affairs, follow a principle which is clearly a principle of corruption—I ask for the pardon of my Honourable friend for using this word, but when a man shows special favour to one class of people without following even the ordinary business principle, certainly I am entitled to call that policy a policy of corruption. It may not be a corruption on account of which the Honourable Member in charge of the Department derives benefit for himself, but it is a corruption because you give benefit of your policy to one class at the cost of another class. Now, Mr. Chairman, when the Government of India themselves follow a wrong policy, how can they except their officers to follow a better policy in this matter? Your officers are bound to follow a policy of showing favour to one class at the cost of another and you can never get purity in the administration of your Railways. Mr. Chairman, I do not wish to go into the details of this question, but I do feel that if this wrong principle and wrong policy have to be changed, there is one thing absolutely necessary. That thing is that the administration of the Indian Railways must be made responsible to the Legislature and to the people of this country. I have heard hundred times stated that the Railway Officers, the Railway Agents and the Railway Board, are all responsible officers. When I bring to their notice the grievances of certain poor employees, they tell me that they must after all trust their responsible officers. May I ask, Sir, to whom are they responsible, and how are they responsible? If you ask me whether the Agent of a Railway or the Member of the Railway Board is a responsible officer or a subordinate employee of the Railway is a responsible officer, I shall without hesitation say that the subordinate employee, who is liable to lose his job, because of the bad management of the Railways or a deficit in the Budget, is more responsible than those officers whose jobs are made secure on account of the guarantees given by the Secretary of State.

Mr. Chairman, the other day I spoke about the debits against the Railway clerks on account of the mistakes they may make.

**Mr. Chairman** (Sir Hari Singh Gour): The Honourable Member has exhausted his time.

**Mr. N. M. Joshi:** I shall finish in a minute, Sir. If you raise debits against your clerks on account of the mistakes they make and the losses they cause, I would like to know whether the Member of the Railway Board or the Member in charge is going to pay for the losses which they are causing. If they are not going to pay, let them admit that they are

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[Mr. N. M. Joshi.]

irresponsible people, and the sooner they become responsible to the Legislatures and the people of this country the better for us all.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, at the very outset let me congratulate my Honourable friend, Mr. O'Sullivan, on his very fine maiden speech and also on the fact that he has chalked out a new plan that is not usual with the gentlemen of the European Group, namely, to speak out boldly when they differ from the Government.

Sir, I do not feel happy when I say that I cannot congratulate the Indian Commerce Member on the presentation of his first Railway Budget. Though I cannot commend this Budget, I do not find anything in it to condemn it either, because I find that it is almost an inevitable Budget. He has not made the bed on which he has to lie now. He is not really responsible for this Budget, in any way, and, I hope, in future this Assembly will get more balanced and better Budgets from the Honourable the Commerce Member. It is no use saying that we may be content with such a Budget. For the current year and for the last year we have deficits of more than nine crores each time; even before that, we had a deficit of five crores and more in the previous two years. In the face of all these, I think it is rather optimistic to say that we have at least touched the rock-bottom and that the recovery may soon follow. Sir George Rainy, while making his Budget speech, also spoke in the same strain. Referring to the Budget of 1931-32, he said:

"We were on a reasonably safe ground, . . . for 1930-31. Unfortunately our hopes have been falsified and our receipts are actually considerably worse."

I am afraid that the same fate may await the present Budget also. In any way, I think that, as practical politicians, we should judge by the present and not rely on future expectations. The loss of revenue is attributed mainly to the world depression and the other cause is the falling off of the Railway revenue due to competition with motor buses. In regard to both these factors, there is no guarantee that the world depression will cease next year, or the competition with motor buses will not remain the same as it is now; or, rather, it may become worse with the progress of time. So, from the point of view of sound financial consideration and when we look at the Railways as a commercial concern, it is difficult to expect a balanced Budget next year. We must find out means, however, to see that there will not be a deficit of such huge sums as nine crores that we had during the course of a year.

We had in our reserve fund more than 18 crores which have all been exhausted. We have theoretically in our Depreciation Fund about 35 crores and odd. Of course, a large part of it has been borrowed and it stands now at 13.72 crores. As regards the Depreciation Fund, I am glad that the Honourable the Commerce Member has agreed to go through the whole matter in detail. If it is discovered that we are putting more into the Depreciation Fund than is really needed, then we should reduce it, and we should settle it, but to argue every time that we are putting more money into the Depreciation Fund and that, therefore, we need not take proper care to balance our Budget is, I think, to say the least, indiscreet. We find that ordinarily the depreciation is roughly about 13 crores a year. Formerly, in some of the years, nearly 10 or 11 crores were taken for

expenses, but this year it has been shown as only five crores and odd. As regards the depreciation, I think it is a general principle to see that though from year to year the necessary repairs and replacements are made from that fund, yet at the end of a certain period when the life of these assets is exhausted, when the sum required for the wear and tear and repairs is exhausted, when they are to be replaced altogether, then a very large sum is necessary, and for these reasons a very larger Depreciation Fund is considered necessary than is ordinarily required to meet the expenses of wear and tear and ordinary repairs in a year ordinarily. I say, this is one point of enquiry, but if Government still think that the estimates that have been made about the life of assets were under-rated, in that case there should certainly be a re-adjustment of the whole fund, but we should not advocate, every time, when there is a deficit, for borrowing as a legitimate way to make up the deficit. One can borrow in bad days from their Reserve Fund but it is unsound to borrow from the Depreciation Fund on that score.

My friend, Mr. Joshi, suggested, and I think my friend on my left also did the same,—that Government should now adopt a bold forward policy in their railway programme, but I beg to differ from them. I warn the House that they should not commit themselves to such a plan; because that now we can borrow at a lower rate of interest is no reason that we should borrow largely and go on increasing our capital expenses. I think, it is not a sound policy. If you look 10 years back, you will find that the interest charges were less by 10 crores, and had we adhered to that limit of borrowing, I think, even with this depression in trade, there would have been no necessity whatsoever for a deficit Budget of nine crores. Government must justify their borrowing of more than nearly 200 crores during these 10 or 12 years, and prove that all this money has really been spent on productive expenditure or for merely re-modelling new stations, new yards and for such other things which are not really productive expenditure, because, in my opinion, the present deplorable financial condition of our Railways is entirely due to their unwise policy in the last few years.

I find that even in India there are Railways which pay dividends. I am told that the Bengal and North Western Railway paid 18 per cent. dividend last year. Whether the dividend declared this year is so high or not, I am not in a position to say, but the fact that Company-managed Railways are in a position to declare dividends even in these days of depression shows that it is not impossible to manage our Railways more economically. I was reading the figures of some of the English Railways in the *Hindustan Times*, and I find that though they are also going through the same kind of trade depression, still they have been able to declare a dividend of one or two per cent. In any case, I think, Sir, when Company-managed Railways are able to declare a dividend in India, is it too much to expect the State-managed Railways not to run their Railways in these lean years so extravagantly banking on the false hope that the trade returns would improve, that the exports and imports would improve, when there can be possibly no justification for entertaining such a belief owing to the conditions of trade all the world over?

My friend, Mr. Joshi, observed that the reason for this unduly heavy expenditure was that our Indian Railway system was **top-heavy**. I shall deal with that question when the cut motions are made, but I should like to say a few words about this expert Committee. More than one Honourable Member on this side pointed out that these expert Committees really lead to nothing. But if we are to have expert Committees at all, is it necessary every time that we should go to England?

**An Honourable Member:** No, no.

**Mr. S. C. Mitra:** I know the Railway systems of Japan; and, there, so far as the Company-managed Railways are concerned, their condition is not bad, and, therefore, we should try to have experts from those countries where the system of Railways follows more or less our railway system. All our experts are trained in the English system, and so we should have experts, if we are to have them at all, from the United States or Japan, or from Canada, if we are to have experts from the Dominions. If England has to give us any expert advice, we can have it from our own experts. I think the Honourable the Commerce Member will give due consideration to my suggestion and accept the advice of experts from those countries where the Railways are run without loss and will not look always for experts to England.

As I have pointed out, we have in our present programme the re-modelling of the Hubli railway station. Honourable Members know already that we have beautiful stations at Cawnpore and Lucknow. My friend whispers to me that more than two crores were spent for these two stations only. When we have excess Budgets, I do not mind spending on such beautiful and costly stations, but in lean years, in deficit years, we should not encourage the Railway Board to spend such huge sums on the re-modelling of Railway stations, not at all productive and which will mean addition to our capital expenditure, because the interest charge will be growing bigger each year. Even in the present year's programme, though no new work has been undertaken, I find in the speech of the Honourable the Commerce Member that there is a proposal to spend money for the re-modelling of the Hubli station. I appeal to Government that special care should be taken to see that unproductive expenditure in these hard times is not undertaken.

Now, I should like to say just a few words about the Rates Tribunal. I find from the Railway Administration Report that there were only two cases in the year 1931-32. As regards the first case, the complaint was withdrawn after the first hearing, and the second case was being continued. And, for these two cases, what was their expenditure? In the year 1931-32, it was a lakh and 34 thousand, in the previous year it was a lakh and 64 thousand, and in the year previous to that it was a lakh and 56 thousand. I know Government have now accepted the shorter programme of curtailing it to Rs. 50,000. But I think the Honourable the Railway Member should now consider whether there is any necessity of having a permanent or half-yearly Rates Tribunal at all. Before they appoint the future President for the Rates Tribunal, I urge on Government to consider whether this work can be done in any other way not involving such huge expenditure.

As regards the cut in salaries, I should just like to say one word. The Honourable the Railway Member said that he did not like to make any differentiation between Government servants of other departments and the Railways. I should like only to say that Government also treat the Railways as a commercial concern, and the provision for provident funds is much better than the provision for pensions for Government officers. Then, Railway officers are allowed free passes which is a great advantage and there are many other things where they are really not treated like other Government officers. May I ask the Honourable the Railway Member, whether he is agreeable to put all the Railway officers on the pension basis

as it obtains with Government officers in other Departments or as regards the privilege of free passes and other amenities? Then only he can claim that they are like other Government officers and there should be no discrimination.

Sir, my time is up and I do not like to take up the question of Indianisation which I will have to discuss later on. With these few remarks, I will bring my speech to a close.

**U Ba Maung** (Burma: Non-European): Sir, I rise to make some observations with regard to the Budget for the Burma Railways which specially concerns my province. Before doing so, I should like to have the privilege of congratulating the Honourable the Railway Member on his putting before the House a vivid picture of the Railway Budget for the year 1933-34, although there is a deficit of 17 crores for two years. My first suggestion with regard to the Burma Railways is this. On page 11 of the Burma Railway Budget, we find under "Traffic Department" the two items of "Superintendent of Catering and Advertising" and "Assistant Superintendent of Catering and Advertising". Sir, in my opinion, these posts can be done away with as they are not at all necessary. As far as I know, this branch is losing heavily on account of these highly paid posts which I think do not require much brains. Moreover, advertising work can be done by some other departments which have done such work there in the past when the Burma Railways were in the hands of the Company only a few years ago. As regards catering, I think the question is mainly of choosing firms of good standing and repute and leaving them to do the work satisfactorily on pain of having their licences cancelled. Sir, I cannot see the need of a Superintendent on a salary of Rs. 1,375 per month and an Assistant Superintendent on Rs. 950 per month for supervising the catering. Any intelligent passenger can tell the Agent whether the catering in the refreshment rooms is good or bad. In this connection, I hope, the Railway Member will give an assurance that he will look into the matter carefully and see whether it will not be possible here to effect a much needed saving.

Sir, as my second suggestion, I earnestly request the Railway Member to take more Burmans into the higher services of the Burma Railways and, in making the selection, preference should be given to Burmans. Sir, due to the present economic depression and the low prices of paddy and rice, many educated Burmans are without employment and the question of unemployment has already started in Burma where it was unheard of before. Therefore, I hope, the Honourable the Railway Member will be good enough to communicate instructions to the authorities of the Burma Railways to take Burmans in all vacant posts, high and low. Sir, whatever may have been the case in the past, higher education has now made some progress in Burma. There are many able and well-qualified Burmans seeking employment on the Burma Railways and it is disheartening to see in the list of appointments a great preponderance of European names.

Lastly, I wish to draw the attention of the Railway Member to the fact that in the Burma Railway Advisory Board representation is given to Government, local bodies and the Burma Legislative Council. This is all right as far as it goes, but the Burma Legislative Council has no voice in the administration of the Burma Railways whereas this Legislative Assembly is directly responsible for Railway expenditure. Therefore,

[U Ba Maung.]

I would respectfully suggest that, say, two Members of the Legislative Assembly who are from Burma should be appointed on the Burma Railways Advisory Committee. Sir, I fervently hope that the Railway Member will carefully consider the suggestions that I have made just now.

**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Sir, I must congratulate the Honourable the Railway Member on presenting the Budget which he has presented in the present circumstances. We know that for the present Budget or for the financial circumstances he has no responsibility as they had been forced upon him. If there is a deficit in the Budget for next year, he could not help in any other way but to meet the present circumstances. However, Sir, one thing which one would like to tell the Honourable Member, who has taken over charge of the Commerce Department and of the Railways, is that it is essential for the Government to consider and to give full thought about these continued deficits. There was a deficit some two or three years ago, and a sum of money was taken away from the Reserve Fund and it was expected at that time that the money which had been taken from the Reserve Fund would be met next year out of the surplus which was hoped to be forthcoming. Now, Sir, that did not happen the next year, and we found that the next year came up as gloomy as it was in 1930-31, and we had again a heavy deficit and that deficit wiped off the whole of the Reserve Fund. Besides depleting our Reserve Fund, we find that we have exhausted all our Reserve Fund and are taking loans from the Depreciation Fund and we are not paying towards the general revenues. If this state of affairs exists for another two or three years, we do not know where we shall be standing. It is time that it should be seriously taken into consideration, and we should not stand for the future good hopes. Undoubtedly, Sir, there were certain years when about 52 crores of rupees had been saved as a surplus within the last decade. They were better years. There was prosperity everywhere in those days, and that was responsible for the railway stations which had been referred to by my Honourable friend, Mr. S. C. Mitra, and that is why these two stations at Lucknow and Cawnpore had been built at such heavy cost. There was a time when these would not be grudged, and I wish to inform my Honourable friend that no such expenditure should be estimated to be incurred either in this year's Budget or in the last year. I do not think the Honourable Member should indulge in spending money on building railway stations at this cost when he cannot find sufficient money to meet the minor expenses.

Sir, my fear is that I do not find one thing in the speech of my Honourable friend, the Commerce Member—he will perhaps enlighten the House when he gives his reply—that although we are having these deficits and we are not earning so much money as we used to earn, what are the real causes for our getting lesser income. In what commodity we lessen our income? There is a general trade depression, but what do we find? The customs are not lessened so much nowadays. Is this the outward transport of the Railways which is bringing this loss or is it the passenger traffic which is bringing this loss, and in what commodities are we really lessening in the shape of our income? We on this side of the House have been impressing on the Government for a long time that the purchasing power of the country is going down steadily, and, as the purchasing power is going down to this extent, there should be

some kind of facility for the people to meet that contingency. If any duty is increased, or if the people, the producers, cannot find sufficient market for their crops, then certainly their commodities will be kept back and will not find their way on the railways and that will affect the railway income to a great extent. Price of wheat has gone down to a great extent, and, instead of in 1930-31, when it was selling something like eight seers to a rupee, it was selling in June, 1932, at 23 seers to a rupee in Delhi and it was selling at Rs. 1-6-0 per maund at Lyallpur. Naturally, Sir, if it was sold at so low prices, it could not be expected that this commodity will be finding its way in a larger quantity to places like Calcutta and Bombay where the price of imported wheat was much below. That was the point, which we represented to the Honourable Sir George Rainy when the Wheat Bill was coming as a protection to the wheat growers, that no time-limit should be given to the people who had entered in the contracts before October, 1930, that being very dangerous, as it would reflect at the time of the harvest, because those contracts will be fulfilled at the time of the Indian harvest and that was a great factor in determining the level of prices of wheat. At that time it was supposed to be a great hardship on the people who had entered into contracts—a handful of those people. Of course they were saved, because it was unjust not to let them have their contracts in which they had entered into, but that brought the calamity to the whole of India, because wheat is the real medium which determines the prices of all different commodities in this country.

I think that if my Honourable friend will enlighten us as to the causes of this income being lost, there will be found some solution and there will not be so much misapprehension in the minds of the Members who think that there is no ground for hoping for the better. At present it appears that there is no likelihood of improving the income from the Railways within the next five or six years and that we are going to have deficits every year. Therefore, Sir, we should make real effort to reduce the expenditure. We must cut our coat according to our cloth. We should seriously consider the question whether, under these present arrangements, or whether, under the circumstances, if they continue to be so, we can afford to go on having the present system of administration or whether we require a change.

I do not want to take up the time of the House or to dilate on the question of the cut in salaries which has been restored to the extent of five per cent.—whether it was desirable or undesirable at the present moment—because this is a question that has to be dealt with along with other similar questions in other departments. But an effort should be made, and without that effort I do not see that there is any likelihood of bettering the prospects of the Railways in India. India requires a great deal more enlargement in the lines; still there are many tracts where the railway has not gone and where the commodities, which are produced there, do not find their way to seaports or outside their own particular sphere; but, at the same time, we find that it is next to impossible to think of any such thing in the present circumstances when we know that the Railways are earning only three per cent., which is probably the best in the whole world which we are getting at present. But the Government are borrowing at four per cent.; and if capital is borrowed at four per cent. and invested in the Railways which may bring only three per cent., then the tax-payer will have to pay about one per cent. from his pocket, which

[Mr. Muhammad Yamin Khan.]

is not advisable. But, leaving this question aside, how are we going to tackle this further question? The Honourable Member said that 800 crores cannot be borrowed at the rate of four per cent. and that he was quite willing to reduce the interest charges if it could be possible by getting money at the rate of four per cent. and paying off the old debt which is at  $5\frac{1}{2}$  per cent.; this would bring a net saving of about  $4\frac{1}{2}$  crores. The Honourable Member may not succeed to the full extent of 800 crores; but if he succeeds even to the extent of 200 crores, even that would bring some relief: and if he cannot get the interest charges reduced by  $4\frac{1}{2}$  crores, he might at least be able to get them reduced by  $1\frac{1}{2}$  crores; and considering that the first loan was over-subscribed within half an hour's time, there is some hope that he will be able to succeed if he launches on a loan of at least a quarter of that sum, that is, 200 crores. If he is able to launch that scheme, he will be able to reduce his interest charges. I think that is not the only way, but there are many other ways of dealing with this question, but the time at my disposal, *viz.*, 15 minutes, will not suffice to deal with even one question. I only want to suggest to the Honourable the Commerce Member that as this is his first budget which he has presented, I hope that the next budget which he will present will be a much happier budget and will be more satisfactory to the House, and we can hope that he will do his best in meeting these continuous deficits, and that next year we will have a much better budget.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official): Sir, I am sorry I cannot join previous speakers in offering a bouquet to the Honourable Member in charge of this Department. I certainly offer him my sympathy for having found himself in the midst of a Railway Board that has certainly presented us with a record of work for which the Railway Board has no reason to be very proud. But I do offer him my whole-hearted sympathy. Indeed there is no need to give Sir Joseph Bhore a bouquet, for all in this House know that whatever he undertakes, he always does well. He certainly has extricated himself from the financial and administrative dilemma, and I congratulate him on the successful efforts. What struck me very forcibly, when reading the first part of the Honourable Member's speech—and may I for the information of this House read it:

"But there are legitimate grounds for hope that we have at last touched rock bottom and that, though recovery may yet be delayed, we have in all probability experienced the worst. On that assumption we have built our estimates."

Sir, hope is not a very good foundation stone on which to build or forecast Railway estimates. These stones often turn into soap-stones which are known to be soft and crumbling. Sir, I am driven to a couplet:

"If hope deferred maketh the heart grow sad  
Another Railway Budget on hope will again go bad."

Sir, we have had presented to us with great force and with great emphasis a serious indictment against the Railway Board. I shall join issues with that Member—I refer to the Honourable Member from Bengal who unfortunately is in the land of nod, but I should like to say that the Honourable Member made a most serious indictment against the Railway Board. If that charge is true, the Railway Board is responsible and

must give an answer to this House. If a saving of Rs. 20 lakhs has been effected on coal in this year's expenditure, and if this is the result of a change of policy in the purchase of coal, then I submit that my Honourable friend, Mr. Ghuznavi, has established his charge to a certain extent. But, be that as it may, the charge faces the Railway Board for an answer and for an explanation as to why it still continues to send its coal by steamer and not by rail, and at a loss? If the Railway Board wanted to help a Company-managed Railway, as it should do, surely it has not forgotten that blood is thicker than water or, to be more apt, as between a steel rail line and the ocean. "A steel-rail line is thicker than water" and surely charity begins at home. I do not know whether the Railway Board made this contract with a Shipping Company or whether the officer in charge of the Railway Coal Department in Calcutta did it: but, whoever did it, it is certainly not playing the game or being square and fair with the Bengal Nagpur Railway. Let me tell you why.

The Bengal Nagpur Railway is crying for traffic. It has many unemployed men; many of its engines are rusting in the sheds and hundreds of its wagons are lying idle in the yards; whereas, if this Railway had been used to carry this enormous quantity of coal, it would have increased their traffic and revenues. It would have offered work for the unemployed; locomotives, instead of rusting, would have been running, and idle wagons would have been used. I repeat, if this charge is true, it is a serious indictment and must be met by the Railway Board.

I shall not refer to any question of high finance indulged in by my friend, Dr. Ziauddin: I prefer to leave him in those flights; but I shall come down to something more practical. This House remembers that last year an important Committee toured throughout India—the Railway Retrenchment Committee—I was co-opted on that Committee. That Committee carefully investigated Railway retrenchments and submitted a report. Among many of the recommendations, I shall refer to a few. I believe there was a strong expression in favour of a change from the Divisional to the District systems of Railway Administration. I want to know what has the Railway Board done in this matter. The Railway Board has as its own members officers who have been Agents of Railways who favour the Divisional System. If this House were in a position to compare the expenditure of the Divisional System of Railway Administration today with what it was—the District System—ten years ago, its eyes would be opened. When the District System was in force, the Railway Official knew his servants. He was the *Ma-Bap* of his subordinates, there was the human touch. Today the Railway Agent does not know even his officials; and I know of one Railway Agent who disdains to look at or recognise his officials outside his office—the super-autocrat. This is the position today with the Divisional System. It has resulted in an enormous increase in the number of officials, increase in their pay, indeed it has resulted in lavish expenditure at the expense of the Indian exchequer. The introduction of the Divisional System has been one of the greatest causes of increased Railway expenditure and labour unrest, and the Railway Board know it. But it refuses to act, because it is advised by its Members, who were formerly Agents and who are surrounded in the office of the Railway Board by under-officers on fat salaries who resist any change, lest it should prejudice their own interests, and so this financial profligacy continues, despite these blatant facts staring them in the face. The Divisional System, Sir, stands condemned, if on nothing



[Lieut.-Colonel Sir Henry Gidney.]

else, at least on the grounds of inefficiency and extravagant expenditure. When this system was introduced, it claimed over the District System two main advantages,—one was economy and the other was efficiency. The comparative high cost of maintaining an army of high officials on inflated salaries negatives economy and the Budgetary losses, outside world wide trade depression, as also the great labour unrest proves inefficiency.

I would here like to touch briefly on another point,—I sent a full Note on it to the Railway Retrenchment Committee,—I refer to the separation of Audit from Accounts. Years ago when this separation was presented to this Honourable House by the Financial Commissioner, Railways, it was proclaimed to be a great scheme, a great advance, conducive to economy and efficiency. It was also stated then that the initial extra cost would be about a lakh after which there would be considerable economy. In the Note I submitted to the Railway Retrenchment Committee, I proved conclusively that it was no measure of economy, but on the contrary, it cost an additional 20 lakhs annually, and this charge still stands uncontradicted, and those two Departments are still operated and remain separately.

And, then, as one of the Members pointed out, there is the question of the closing down of the Clearing House. I do not want to dwell on it at this stage as other Honourable Members have already dealt with it.

Now, Sir, I come to another point. We have in Calcutta,—I am leaving aside for the moment the B. N. Railway, a Company-managed Railway,—the termini of three Railways, and two State Railways, the Eastern Bengal and the East Indian. Side by side these Railways are administered, their lines often run parallel, and cross each other in places. Each one has a highly expensive administrative staff. Each one has an Agent with his army of Deputy Agents and an enormous staff; each one employs hundreds of clerks; each one has an enormous Stores Department and each one, if you please, has a Chief Medical Officer. And the offices of these two Railways are almost in the same street and in the same City. In short, there is a duplication of labour, staff and expenditure. The Railway Retrenchment Committee recommended that these two Railways should be united as far as the administration of their offices was concerned. But what has the Railway Board done? I believe a committee sat, and the two Chief Medical Officers submitted a report which no doubt has been put into the waste paper basket. But, Sir, there are many valuable things to be got out of the waste paper basket, and this suggestion of the Railway Retrenchment Committee is one and I want action to be taken on it. Sir, what are the facts? There are two Chief Medical Officers today, one each for the E. I. and E. B. Railways. One Chief Medical Officer has, I think, to look after three Medical Officers and he draws twice their salary, the other Chief Medical Officer, who also draws a fat salary, is so busy that he has ample spare time to fill the office of the Vice-Chancellor of the biggest University in India. (Applause from the Non-Official Benches.) I ask this House,—is that real economy or is it financial profligacy? Can this one C. M. O. efficiently fulfil these two onerous duties? I submit, he cannot and that one or the other must suffer, or be sacrificed. Is that the way to look after the money of this country or is that the way to squander it needlessly? Sir, it is high time that this House passed a very big cut on this Railway Budget, and demanded economy in various directions, because there is considerable

room for economy which would not in the least affect efficiency. Sir, I would be the last person to recommend any economy at the sacrifice of efficiency.

There are other matters which have been taken up by other Honourable Members who know more about them, but there are some matters which have been brought to my notice, *e.g.*, there is an enormous amount spent on the third party in the matter of contracts, construction of embankments, repairs to embankments, and building and other works, on station coal contracts which latter I personally brought to the notice of the Railway Board. In one station, I refer to Bhusaval (G. I. P. Railway), I asked whether the coal contract was given without advertisement to a favoured Company year after year. I ask, what has the Railway Board or the G. I. P. Railway Agent done in the matter? I have brought these matters to the notice of the Railway Board, and what have they done? Nothing. As a man who is interested in the exchequer of his country, I again repeat these grievances and I submit that it is the duty of the Railway Board to rectify such things. I now call them to account for it.

Then, coming to the question of retrenchment, the Railway Board say: "We have retrenched staff in the Superior Services". Let me tell this Honourable House that these retrenchments are not real retrenchment, but consist of jobs which have been held in abeyance. What one might humourously call "economy postponed". Postponement of economy is not real economy; it is camouflage of economy.

Then, Sir, there is another point that requires attention. I come, again, to the Railway Board itself. The Railway Board, while it preaches economy, does not practise it. It has issued Circular after Circular showing Railway Staffs how to effect economy, but it has not practised economy itself. I hope to show, Sir, tomorrow that the Railway Board has yet to practise what it screeches. The Railway Board has certainly, to my mind, not practised what it has preached so far as its own Members are concerned. That I shall show tomorrow when I move my cut, and I hope it will be accepted by the House. . . .

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): You must remember that you belong to the European Group.

**Lieut.-Colonel Sir Henry Gidney:** Your remarks are not only impertinent, but irrelevant. Now, Sir, I come to another matter, I mean separation of strategic Railways from ordinary commercial Railways. I submit, Sir, with all the emphasis I can command that the inclusion of the cost of strategic Railways in the general Railway Budget is wrong. If our Railways are to be a business undertaking, why should you not separate the cost of the strategic Railways used for the Army, and add it to the Military Budget? I go further and ask,—why do you make these concessions to the Army? I go still further and ask, why do you make any concessions to any Government Department? Are you a Government business department working for a profit, as you claim to be, or are you a department working for the benefit of the services,—say so. If you proclaim to be a business concern, why do you include the cost of strategic Railways in your estimates? I submit, Sir, that is a wrong policy. I would really like to know how much money has been lost to the Railways every year in these service concessions. It would be very interesting to know.

[Lieut.-Colonel Sir Henry Gidney.]

Now, Sir, I come to the question of experts. Is it not a very extraordinary thing that the Railway Board which is supposed to consist of a body of expert Members, Members who are experts or specialists in the special departments, they are not superficialists, should always be crying out for one expert Committee after another? They want one expert Committee to enquire into their finances, another to enquire into road transport, and now, in the year 1933, they come and say, let us have another Committee. Who can say that at this rate it is likely it will ask for a Committee to enquire into how bullock cart traffic has injured their revenues. Sir, we are getting fed up with these expert Committees. Why does not the Railway Board alter its Board of Members and get together a body of practical business men from this House or elsewhere and form a business like Railway Board? Today they have to depend on the advice of their ex-Agents who are their Members and who are not business men. These Agents are administrators of Railways. They are splendid fellows and as Agents are fit for such jobs. I have nothing to say against them, but they are not the right persons to be on the Railway Board, as they have had no business experience, for a Railway Board is a business body, it is a Board which deals with millions of money, and to have inexperienced Agents as Members on this Board is to invite a waste of the money of this country,—a state of affairs which, I submit, this House cannot support.

Now, Sir, my other point is indebtedness. My friend, Mr. O'Sullivan, raised it. The question of indebtedness is the curse of the Railway Administration. I talk from personal experience. None will deny that on the pay day the man, who is the closest friend of most of the families of the community which I represent, is the Kabuli money-lender. This point was forcibly brought to the notice of the Labour Commission and the Chairman of the Labour Commission, I understand, left with the Government of India the draft of two clauses of an Act in which he recommended that Government should take action to prevent the pay of any servant of Government or Railways being attached by the court for debt. What has been done to it? Has the Railway Board acted on these lines?

**Mr. Chairman** (Sir Hari Singh Gour): The Honourble Member has exceeded his time.

**Lieut.-Colonel Sir Henry Gidney:** Nothing has been done. Sir, I sent a full Note to the Railway Board on this question of indebtedness. It is now three years. What has been done? I am told it is being considered. I shall return to this matter later on. I shall not talk of the E. I. R. stores. Its appalling condition is proverbial. It is known to the Railway Board. But I do say it is high time that this House did take action so as to enforce from the Railway Board a policy different to that which it has followed in the past. We have today, as the head of the Railway Board, an Indian of great eminence, one who is fully able to administer his portfolio, but I suggest to him to change his Board. If he wants a Board of experts, we are prepared to give him such a Board, for, with such a Board, I do believe, the next Railway Budget will show a credit and not such a huge loss as at the present Budget.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): I am afraid I must agree with my Honourable friend, Colonel Gidney, in not congratulating the Railway Member. There has been such a chorus of congratulations that I think a little bit of medicine, even in a small dose, would do him a great deal of good. It is not possible to understand the grounds upon which my Honourable friends have congratulated him. No doubt, as Colonel Gidney said, he deserves our sympathy; but so far as his position is concerned, he has not told us one thing that we should expect from this Government Department which my friend, Mr. Yamin Khan, asked as to where all these deficits were coming from and under what head and how to remedy it. As against that, there is a statement at the tail end of the first paragraph that Colonel Gidney read that he hoped that the corner has been turned and that, God willing, something might turn up which might be favourable for next year. That, I very respectfully submit, is not the way to face the position in such a great earning department like the Railways, and that is not the way by which you can satisfy this House as to what has got to be done if you have got to convert this deficit budget into a surplus or at least a balanced budget. It may be, circumstances are beyond your control. It may be, the conditions are such that you cannot really bring about this consummation of a surplus budget. What are those conditions? Have you investigated them? If you have, why don't you place them before this House and say "we cannot help it. Here are the conditions which make it impossible for us to present before you even a balanced budget, leave alone a surplus budget". That has not been done, and as Colonel Gidney pointed out, he has been greatly handicapped by the absence of expert advisers, and what best he could do he has done.

I have got a few points to make as against the Board and I will reserve them for tomorrow when the cuts will be considered, but there is one important point that I must bring to the notice of the House, and that is about the rates. Down South, there is a railway system called the South Indian Railway. We, in the rice producing districts of South India, depend for our market in Ceylon. For the last four or five years, that market has been completely closed to us. We have been breaking our heads with the Government in order to find out what was the cause. Of course they are investigating. They want a Committee, and a Committee, as you know, is an indirect way of finding out what everybody knows. Even that Committee has not come into existence. Colonel Gidney said that he was sick of these Committees. It is easy for highly paid Government servants to sit for half an hour to solve the problem. However, they have not brought their minds to bear upon that and what is the result? The Deputy Director of Agriculture in Madras having gone into this question completely has come to the conclusion that the action of the South Indian Railway in raising the rates and placing all sorts of impediments in the export of rice from the rice producing districts has destroyed the Ceylon market. That is the result of the action of the Railway Company and I do not know if the Railway Board sitting here in Delhi and cooling its feet for six months in the year at Simla has ever had this matter brought to their notice. The Members of the Railway Board travel in their magnificent saloons, look at the country and feel satisfied that everything is going on all right. I would very respectfully invite the attention of the Railway Member to this particular point and ask him to make inquiries and to remedy the trouble, if

[Raja Bahadur G. Krishnamachariar.]

possible, by asking the South Indian Railway Company not to put us to further loss.

Another matter is about the freight for goods where there are two or three lines. There is always a competition and the shortest route and the longest route charge the same rate. I do not know whether it is done by maund or hundredweight. Whatever the route, the charge is the same Rs. 4-3-6. How does that come into existence? Whose business is it to find this out and to give relief? That is a point which the Railway Board ought to consider and which has not been considered.

Another matter and probably a trivial one in the opinion of Government is about the refreshment rooms. We, who have to travel long distance, feel the absence of proper facilities in these refreshment rooms. Unfortunately I do not know what happens in these English refreshment rooms. Years ago, when Sir Reginald Glancy and I were travelling, he was very sorry he did not bring his cook and he said that the food supplied to him in the English refreshment rooms he was not able to touch and he was going hungry all the way from Hyderabad to Delhi. I am not concerned about that. Those who use these rooms are strong enough to take care of themselves, but it is the Indian refreshment room and the provision made for it that I am complaining against. In some railways, they are supposed to run a restaurant car or buffet. I do not know what difference there is, but I know in actual fact there is one-third of a third class carriage in which all sorts of sweets and biscuits and things of that kind are kept and how anybody is able to get any food out of them I do not know. Then, Sir, you want some milk on the wayside station. The first trouble is with the guard of the train in order to induce him to telegraph to the station asking that some milk be kept ready. You may be a first class passenger or a third class passenger, but he does not care. After a good deal of fight, if he does telegraph, you come to the station concerned only to find that there is no milk. You have got to go to the English refreshment room and that man puts his own charge, a ridiculously high charge. You have got to put up with it. The train stops only for 15 minutes or so. Either you buy the milk or go without it. In that way, the item of refreshment gives us trouble and time after time there had been complaint made. There is always a manuscript or a printed post card to say that your complaint is being dealt with. It is still being dealt with, and like John Gilpin's hat, it is still on the road—this investigation—and it has never reached its destination. I do hope that some sort of relief will be given to those people whose misfortune it is to conform to old ways and not to go straight to the English refreshment rooms, take what they can get there and then get into the train.

**An Honourable Member:** Then change your ways.

**Raja Bahadur G. Krishnamachariar:** Thank you. Then there is another matter of importance that I want to bring to the notice of the House. The trains which run in Northern India run so well and so fast that there is not the least inconvenience to passengers; for instance, if you leave Delhi on an evening, the next evening you arrive in Calcutta, and it is a distance of 900 miles and odd. Now, take the case of the Grand Trunk Express which leaves Madras in the morning. It comes all

right as far as Bezwada, and what happens between Bezwada and Belharshah I cannot understand. I know the Nizam's State Railways have got most powerful engines and I know that between Kazipet and Hyderabad we take the shortest time—2½ hours—and we are there. All the lines have been renewed by putting on very heavy rails and these engines can work very well, but it takes such a long time for them to reach Belharshah that at least two to two and a half hours are wasted on that section. That is not all. Anyhow, whether by making up or some such thing, they come to Agra at half past five or 6 o'clock in the morning. Now, between Agra and Delhi, if you go by motor, I think you can go in four hours or 3½ hours' time, whereas it takes exactly six to six and a half hours to arrive at the Delhi Main. Then you get down at half past twelve, you go home, and as you have got to cook your food, you cannot get it till very late and, even if food is ready, it is at a somewhat late hour to eat and unless you want to spoil your stomach, you have got to go without meals at all till the evening time comes. I wrote to the G. I. P. They said something about some examination which they made as to whether this speed could be increased or decreased and eventually they came to the conclusion that it could not be done. I will tell you how it can be increased. Between Agra and Delhi, they stop at every station aimlessly for 15 to 20 minutes. It is not known why should that be done. That is only one instance. You go down South. You have got the most ideal system of the slowest transport that you have got on Railways,—and yet they complain that the buses compete with them. What else shall I do, except to travel by bus? I said at the time when this question of bus *versus* railway was being discussed in Simla, that they often adjust the time-table so nicely that five minutes before the arrival of one train, the connecting train leaves the station. Now, there is absolutely no connection, for instance, between Secunderabad and Calcutta *via* Bezwada, unless it be this way that you leave Secunderabad at half past one in the day, arrive at Bezwada at 10 o'clock in the night and then wait until the Calcutta Mail comes from Madras at 5 A.M. Sir, I ask, is a railway for the convenience of the public or the public for the convenience of a railway? And yet you complain here and say that "the passenger traffic has gone down and, for that, the political situation is responsible". Sir, I have on a previous occasion related the story of the fat merchant being held responsible for a wrong action of the gold smith.

**Mr. Chairman** (Sir Hari Singh Gour): The Honourable Member has reached his time limit.

**Raja Bahadur G. Krishnamachariar**: I shall finish immediately. I have not got very much to say and there is only one thing and I ask for just one minute. I will simply say that the rotten condition of our first and second class carriages is such that it is absolutely impossible for any decent man to travel in those carriages, and yet the fares are maintained at a high figure. That, Sir, is all that I can say now, because my time is up.

**Mr. K. P. Thampan** (West Coast and Nilgiris: Non-Muhammadan Rural): Mr. Chairman, it seems to me that the position of the Indian Railways is not so rosy as the Honourable Member in charge of this subject wants us to believe and I, therefore, make certain observations for his due consideration.

[Mr. K. P. Thampan.]

Sir, in spite of the fact that the revenue receipts have been budgeted for an increase of over  $1\frac{1}{2}$  crores, there is still a deficit of about Rs. 7·7 crores for the year 1933-34. In view of the experience of the last year, when the revenue fell short of our anticipations by about  $1\frac{1}{2}$  crores, the chances are that it will not be possible to realize this increased  $1\frac{1}{2}$  crores next year, and, in that case, the deficit will be about nine crores. I, therefore, consider that the optimism which the Honourable the Railway Member has exhibited and wanted us to share with him is rather unwarranted. He says in paragraph 7 of his speech :

“Nor must we forget the fact that this figure of net traffic receipts is arrived at after providing for the full calculated depreciation on our assets, and that the amount paid into the depreciation reserve fund is at the present moment about eight crores higher than the amount required during the year to meet that portion of our expenditure on renewals and replacements which the fund is expected to meet. If, instead of taking the calculated amount of depreciation, we were to take only the actual amounts required to be drawn in cash from the fund during the current year, our net traffic receipts would have amounted to 32 crores. This would have given a return of 4 per cent., on the capital invested, and our total deficits during the two years, taking both commercial and strategic lines together, would have been reduced to barely a crore. Taking commercial lines alone, we should have had profits of over two crores. I doubt whether any Railway in the world of a comparable character could at the moment show such results.”

Sir, for the quinquennium ending with 1934, there has been a colossal deficit of Rs. 88 $\frac{3}{4}$  crores and, if we do not realize the increased Rs.  $1\frac{1}{2}$  crores from the revenue side, as has been budgeted for, the deficit for the period will be 40 crores. It is not a small matter, and, therefore, it is time for us to have a thorough diagnosis of the whole Railway system made to find out where the complaint lies. I am one of those who believe that this so-called depression and civil disobedience are not so much responsible as other causes for this enormous deficit. The political disturbances are the order of the day throughout the world and the civil disobedience movement, so far as India is concerned, has not materially contributed to make the railways a failure. The real cause is the defect in our own system. In the first place, it is the top-heavy expenditure that is universal in our Railways that is responsible for this large deficit. It must be apparent to any one who looks into the previous budgets of the Railway Administrations that during those good times, when they were having large revenues, the expenses were inflated to such an extent that it is found very difficult to reduce them now. Until and unless we revert to the scale of expenses which prevailed in 1918-19, it will not be possible to make any profit hereafter. I would, therefore, suggest that strenuous attempts should be made to reduce the top-heavy expenses and particularly those of higher officers as much as possible.

In this connection I would like to refer to the state of affairs of the Madras and Southern Mahratta Railway with which I am more concerned than any other. Look at the enormous increase in the working expenses during the last 15 years. In 1918-19, the working expenses went up by nearly 24 lakhs over the previous year's figures, while the income increased only by 30 lakhs. In the next year, the income increased by 30 lakhs only, while the expenditure went up by 50 lakhs. In the following year also, the earning increased by only nine lakhs and odd, but the expenditure increased by 78 lakhs. In the next year, again, the expenditure rose yet higher by 49 lakhs although the earnings rose by only 31 lakhs. It is the same tale year after year. Now, that is what obtains more or less in the

case of all other Railways as well. Speaking about the Madras and Southern Mahratta Railway, I might refer to the appointment that was created sometime ago, namely, the Personal Officer attached to the Agent, as an earnest of the so-called retrenchment effected in that Railway. It was said that it was only a temporary appointment and, therefore, even the consent of the Finance Committee was not obtained. So far as his qualifications were concerned, he was only a steward in the Guindy races. I never knew that the stewardship in the Guindy races was a qualification for the Assistant Traffic Manager's post in a Railway. He started on a salary of Rs. 1,600 per mensem. This appointment was made more than two years ago and this gentleman is still continuing there.

**Sir Cowasji Jehangir:** His appointment has not yet been retrenched?

**Mr. K. P. Thampan:** Not yet. As a matter of fact, he does nothing, but only forwards his papers to the District Superintendents for disposal or confirms their orders. He was appointed particularly for the purpose of hearing appeals from dismissed employees. I will refer to two letters that I have got with me in order to show how the work of this officer is unnecessary and sometimes even overlapping.

**Mr. B. V. Jadhav:** Does not the work go at a race speed?

**Mr. K. P. Thampan:** One employee was dismissed for the reason that his salary was attached for a Court decree. I may say that the attachment of salary was a thing which was very much condemned by the Labour Commission and that is a thing which ought to be immediately stopped. However, it is a different matter and I will not go into the merits of the case. This gentleman appealed.

**Mr. K. Ahmed:** This is the general discussion of the Railway Budget.

**Mr. K. P. Thampan:** Anything can be discussed here even including the relevancy of the interjection of my Honourable friend. The Chief Traffic Manager wrote to say in his letter of the 24th December, 1932, in reply to an appeal preferred by the employee that he was not prepared to forward any appeal from him which did not deal with facts. But, in connection with the same letter, the Personal Officer, acting for the Agent, replied in another letter of the same date that full consideration had already been given to his case and he saw no reason to interfere with the decision arrived at. Whom is one to believe? That is the kind of work done by this officer. Still, the Railway Board permits that officer to continue there.

**Mr. K. Ahmed:** You should keep these remarks for your "cuts".

**Mr. K. P. Thampan:** Let me refer to another instance, namely, the post of the Additional Traffic Manager in the Assam Bengal Railway. Let us first examine what the condition of this Railway is and then see if the appointment to which I am going to refer was justifiable or not. The gross earnings of that Railway in the year 1928-29 were in thousands, Rs. 2,30,76, which came down to Rs. 2,10,44 in 1930-31. While the total expenses of that period went up from Rs. 1,22,05 to Rs. 1,32,18, there has been an increase in expenditure of nearly 10·13 lakhs for a decrease in earnings of about 20·30 lakhs. The expenses of the Traffic Department



[Mr. K. P. Thampan.]

during the time also mounted up by two lakhs. The stores balance has also increased. The goods and passenger traffic were considerably less and the income from them consequently much less. All the same, as a matter of retrenchment, the Railway Board sanctioned this new appointment. That is precisely what is obtaining throughout the railway system in India. The Railway Board do not care to find out, in sanctioning these whether the income justifies the appointment or not. It is particularly so in regard to all higher appointments. They are merrily going on creating new and higher appointments.

Another thing which is responsible for the decrease of revenue is the enhanced rates and fares. My own opinion is that we have raised the fares so much that the law of diminishing returns has already begun to operate. The withdrawal of concessions is another matter to which the attention of the Railway Board should be invited. I am told 80 per cent. of passengers in England are concession-holders. Why should we not aim at that state here? Even the system of return tickets for *Dipawali* and Easter has been abolished and also the issuing of commercial coupons. With reference to the commercial coupons, it was said that they were abused by the mercantile firms. I do not know where the abuse comes in so long as the man guarantees or undertakes to travel 3,000 miles within the period of six months. What does it matter to the Railway Company whether the journey is performed for a commercial purpose or not. The only thing that matters is, whether the man concerned is prepared to undertake to travel 3,000 miles or so within the stipulated time. Sir, I am one of those who think that the issue of coupons ought to be extended to other class of persons such as vakils and other professional men, and ought to be revived.

The question of motor traffic also has been trotted out as one of the factors which contributes to the decrease in the revenue. It is said that the Railways have parallel with them metalled roads to the extent of 48 per cent. Sir, it was the roads that came into existence first in this country and not the railways. So, the people who were responsible for the alignment of railway lines ought to have duly considered the question then and, therefore, the theory that the motor bus service is competing with the railways does not deserve to my mind any consideration at all. If the motor service is more popular, it is the inherent defect and lack of efficiency of the Railways which is responsible for it. Surely the remedy is in our own hands and there are many other points of this aspect of the question which I wanted to discuss, but as my time is up I shall try to deal with them in detail during the discussion on the voting on demands.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam: Non-Muhammadian Rural): Sir, while I yield to none in my esteem and regard for Sir Joseph Bhole, I have, on the floor of this House, always considered it my religious duty to ignore the personalities on the Treasury Benches and only look to them as mere Members of the Government of India with whom I am concerned. No doubt personal reflections must be very embarrassing to the Railway Member and I hope that none of us will ever think of him as Sir Joseph Bhole in this House, but only as the Railway Member. Sir, I propose also to forget the fact that he, as the first Indian Railway Member, has presented his first Railway Budget, because the tale of woe which he has narrated is nonetheless dismal, because it is delivered by an Indian.

Sir, the financial administration of the Railways of this country is unfortunately in a very bad state. Of the four years' financial results, which are now under review, we find from the statement that has been given to us that during the last two years the deficits amounted to 17 crores while, in the first two years, the deficits amounted to about 14 crores, the total being 31 crores. This statement is no doubt very startling, but that is not all. We find the Railways first giving up their annual contributions to the general funds, then we find them wiping the reserves and lastly we find them depleting the depreciation fund also. Notwithstanding all that, the Honourable the Railway Member was pleased to state in the other House only the other day that the position of the Railways was very sound. Sir, that reminds me very much of the war correspondents we had some time back during the Great War saying: "all is quiet on the Western Front". Unable to retrieve the position which he has inherited very much like a law suit in Chancery and unable to stem the tide of the increasing deficits, what is it that the Railway Member proposes to do? No substantial economies are made. It is indeed very pathetic to find the Honourable the Railway Member turning his attention to these little pink books in his search for economies. May I respectfully ask the Railway Member that his zeal for economy in this direction may not go further in the direction of the print and that we may be enabled to read his information in better type. I may inform him that we found considerable difficulty in reading his printed speech in small close type printed on both sides.

Sir, Honourable Members are fully aware of the fact that the various facts which have been furnished and the great trouble which has been taken by the Railway Member in his Appendices to give us full information, for which we must necessarily be thankful, have been telling us their own story. It is not my purpose to repeat them. I merely want Honourable Members to note them just as mere examples to illustrate the incompetency of the Government of India to administer even a commercial department like the Railways on a sound financial basis. The depletion of the depreciation fund, the wiping of reserves and the borrowing of loans, just to make both ends meet, does all that show the hall-mark of financial propriety and administrative ability? Sir, my Honourable friends in front of me were asked only the other day what financial safeguards they would give if we were to have constitutional advances. Sir, is this the hall-mark of financial competency? What safeguards do they propose to give us?

Sir, in the short time at my disposal all that I propose to say now is with regard to the depreciation fund. No doubt Honourable Members have already said something about it and what I propose to say is something in addition to what has already been said. Sir, where is this depreciation fund? In what shape is the depreciation fund? Is it in the shape of stores? Is it in the shape of some investment? If it is in the shape of some investment, what interest is it fetching? Such information has not been furnished to us and I hope the Honourable the Railway Member will be pleased to tell us in what shape it is and how it is employed at the present moment. I hope he will, if not today, at any rate during the course of the next four days, give us some information on that point. Sir, I always understood that the depreciation fund is not only a reserve fund, but something more than a reserve fund. It is intended for a specific purpose; it is intended by yearly set-offs to provide for any sudden catastrophe we may sustain and also to

[Mr. B. Sitaramaraju.]

provide for the renewals of our assets. If the contribution to the depreciation fund is unduly large, I for one would certainly say that the position must be examined. I do not deny the need for examination, but I question their assuming the fact that they are bloating the depreciation fund, until it is examined. They cannot assume that they are contributing more than they ought to contribute, and they cannot take that as an excuse for depleting that fund now. What is the depreciation fund now standing at? It is in the neighbourhood of 13 crores. What is the amount that is invested in our assets? I think it is in the neighbourhood of 850 crores. If, in the period of ten years, they have accumulated only 15 crores for the assets worth 850 crores, I for one find it difficult to believe that we are yearly bloating this fund. However, Sir, I am prepared to agree that the question should be examined.

Again, Sir, they talk of some defects in the accounting. If that is merely a statement that the Government of India in this department are as bad accountants as they are bad administrators, I have no quarrel at all; but if it were to be suggested that this accountancy, if properly examined, would materially alter the position, I would certainly like to hear either the Financial Commissioner or Sir George Schuster, who is a financial expert, to come and tell us that the accountancy in this department is such that if it is re-examined, then instead of bankruptcy which we are now facing we will be in affluent circumstances. Sir, the Railway Member himself has admitted that no substantial economies can be effected up to the present, however much they may want it, and that no amount is spent on capital expenditure to any appreciable extent now. He has held out two things for us: one is hope and the other is Pope; hope, that we may get our receipts better; and Mr. Pope, that he may be able to tell us how economies can be effected. Sir, the Chief Commissioner for Railways told us the other day in the other House that there were two ways of retrieving the position, one by increasing the rates in order to get more money, and the other was decreasing the rates to attract more traffic. Thus both ways are to be tried. That reminded me very much of Dick Whittington's lines:

"One foot up and one foot down,

That is the way to London town".

**The Honourable Sir Joseph Bore** (Member for Commerce and Railways): Sir, I have listened with the greatest care and attention to all the criticisms that have fallen from Honourable Members during the course of the general discussion. The House will appreciate that I am sufficiently new to the administration of this Department to legitimately adopt the attitude that I would prefer to pause to examine and to consider criticisms, suggestions and proposals that may be made here instead of attempting a reply on all points without the necessary personal experience which should fortify such a reply. If therefore, Sir, I appear today, and during the next few days, to pass by matters untouched which have been referred to in the course of the debate, I would ask Honourable Members to rest assured that all these matters will later be carefully examined, scrutinised and considered by me.

Now, Sir, the Budget which circumstances, over which we have no control, have forced me to present to this House, I admit, is one which at first glance provokes a feeling of pessimism, but I would ask my

Honourable friends after that first glance to give a careful and detached consideration to the detailed figures that have been placed before this House, and I feel sure that, when they do so, they will come to the conclusion that, having regard to the extremely difficult circumstances which have confronted us, we have administered the vast organisation committed to our charge in a way that has not materially weakened the strength and soundness of its position or its recuperative capacity.

Now, Sir, I should like first of all to touch on an important matter to which my Honourable friend, Mr. Joshi, referred. It is a matter of considerable importance, and a good deal of reference has been made to it both inside this House and outside. We, Sir, are fully conscious of the advantages that would accrue to Railways if cheap money could be used for further capital expenditure, and we are also aware of the advantages that would accrue to the connected industries which an extended capital programme might help to assist in this period of stagnation. The importance of this matter, therefore, Sir, is beyond question. Nevertheless there are considerations, and serious considerations, of which the fullest account must be taken before we embark at once on any extended programme of capital construction. We must be assured, so far as it is possible to be assured beforehand, that further capital investment is an economic investment or that it is absolutely essential in the interests of the country.

We have given this matter our most careful consideration and we have come to the conclusion that, on the data at present before us, we are not justified in at once embarking on a larger programme of capital works than have been provided for in the current year's budget. I would, Sir, in view of the importance of this question, like to go into the matter in a little more detail if I may. Take first the question of the construction of new lines. We have here two projects of major importance. Now the data already compiled and the estimates which have been prepared might perhaps justify the assumption that these are projects which are ready to be proceeded with, but, Sir, those estimates were made sometime ago and we are not prepared to embark upon these projects until we have re-examined the traffic estimates and surveys. This we propose to do at the earliest possible opportunity, but I think the House will agree that we are justified in adopting a policy of caution in this matter.

Then, Sir, there are a number of smaller branch and feeder lines. Here also the estimates and prospects will have to be reconsidered, and the most potent factor which necessitates such reconsideration is the problem introduced by the competition of motor traffic. We are, as the House knows, hoping to hold a Conference, after the close of this Session, at which representatives of Local Governments will also be present, and we hope it will be possible then to discuss the whole question of the possibility of doing away with the uneconomic competition of road with rail and of ascertaining, if we can, the best method of arranging our transport facilities in the best interests of the public. We hope, Sir, that that Conference may have fruitful results and that conclusions may be arrived at which may enable us to proceed with the policy of railway development with some assurance that wasteful competition will not upset our calculations. Here, again, we do not propose to act until we are absolutely satisfied that our estimates are such as we can place with confidence before the Standing Finance Committee or before this House.

[Sir Joseph Bhore.]

Then, Sir, there may be sundry smaller projects and I merely refer to them, as Mr. S. C. Mitra made some reference to two projects for remodelling stations and station yards. Here let me admit at once that the mere availability of cheap money is not the only consideration. Such remodelling must be proved to be an economic investment, or that it will really increase efficiency. Of course the rate of interest at which money is available is undoubtedly a relevant factor which we must take into account in making that calculation. I want to assure the House that on the one hand we do not propose to embark upon a programme of enlarged capital expenditure without the fullest investigation, while, on the other, we are quite aware of the fact that it would be uneconomical for us to allow the opportunity which is afforded by cheap money to pass in the case of projects which are definitely remunerative.

Then, a good deal of reference has been made to increased rates and fares, and the proposition has been advanced that a reduction in rates and freights will result in an increase in traffic. Now, I am quite prepared to concede that *a priori* such a contention may be undoubtedly supported. I myself would be prepared to concede that as a theoretic proposition a decrease in rates and freights is likely to result in an increase in traffic. But, let me repeat here what I said the other day. In the first place, the protagonists of this theory are not able to tell us with any approach to accuracy what particular decrease in rates will result in what particular increase in traffic. Further, an increase in traffic may, and in some cases necessarily must, result in increase in working expenses. Therefore, the increase in traffic must cover not merely the increase in working expenses, but it must also cover the loss which results from the decrease in rates on the traffic previously carried. Now, it is quite impossible for us to forecast with any accuracy what this will be and the Railways can take no risks in this matter. But, I can assure the House that this matter is constantly under the consideration of the Railway Department, for they realise that it is essential that they should see that the point of diminishing returns is not allowed to be passed. Incidentally, I would like to refer to the question of the effect of railway rates and fares on industry. It is of course a perfectly reasonable proposition, or rather a perfectly arguable proposition, that Government should assist industries by regulating rates and fares. But if you ask Railways to be run as a commercial concern, then you cannot at the same time say that they shall charge certain preferential rates for certain commodities which, in their opinion, are not economic rates. In these circumstances, the assistance to industries should be given in some other form. Quite conceivably the Government may make themselves responsible for the difference between the preferential rate and the economic rate as was done not very long ago by the Punjab Government in respect of wheat. But I do ask the House to recognise that I am adopting a reasonable position when I say that you cannot demand that I shall pay the sum of 31 or 33 crores as interest as a first charge and at the same time say that I shall not charge rates which we consider are necessary to enable us to pay that interest.

The discussion today has covered a very wide field and it is not possible for me to refer to every point in the limited time that I have. I will endeavour, however, to touch upon some at any rate of the matters

which have come under review today. Dr. Ziauddin Ahmad is our most persistent critic; and if I have not always been able to follow the logic of his figures, that is no doubt due to my inadequate mathematical equipment. But, I would express to him my gratitude both on this occasion and on the last occasion when he moved the Resolution, for having changed his position and assumed the role of a constructive rather than of a destructive critic. I can assure him that I shall bear very carefully in mind all that has fallen from him on this subject on the last two occasions on which he has referred to them. He wished to know where this depreciation fund of ours is kept. It is merged in general balances, and we get on our balances the same rate of interest as is charged on our capital outlay. I hope that will give him the information that he needs on that point. My Honourable friend, Mr. Das, whom I am glad to see here fresh from his laurels at the Round Table Conference, said that any one man, any Member of this House could wield the axe that was necessary to effect retrenchment on the Railways. I am perfectly ready to admit that any man can do it; but it has to be done wisely so as to result in the most effective economy and so as not to lessen efficiency.

Now, let me turn to my Honourable friend, Mr. Ghuznavi. I have always understood that coal generates heat; and in the case of my friend, Mr. Ghuznavi, this has certainly happened. He has raised many points and we shall return to them during the course of the next four days. So, I shall not attempt to reply to them in any detail. But, I would like to make mention of two matters. First of all, he asks whether having regard to the fact that experience has shown that calling for tenders for the raising of coal has resulted in saving, whether we have taken any action. Let me tell him that we have. We have issued a circular to the effect that in future in every such case, where possible, tenders should be called for. Then there was just another point in regard to the surcharges on coal. My Honourable friend contended that the result of the surcharges was to induce African coal to come in in larger quantities. I have just managed to get the figures of imports into this country and I find that whereas in 1931 the total imports of African coal were 39,000 tons, in 1932 they had fallen to 8,620 tons . . . . .

**Mr. A. H. Ghuznavi:** On a point of personal explanation, Sir. I never meant that. What I meant was that the high freights on coal had led to larger imports of South African coal: the surcharge was only recently put on.

**The Honourable Sir Joseph Bhow:** I beg your pardon if that was your meaning. I shall no doubt have occasion to refer to this matter later on during the course of the discussion on the cut which the Honourable Member will no doubt move.

The Honourable Mr. O'Sullivan, who made a very trenchant maiden speech upon which I congratulate him, accused me of optimism. Optimism and pessimism are comparative terms and I prefer to be an optimist rather than a pessimist; but I would say this that our optimism has been based on certain facts. We have for instance not based our estimate of receipts on fancy and imagination. What we have actually done is that we have practically repeated the figures of 1931-32. I confess that I was totally unable to understand what my Honourable friend meant

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when he suggested that we were camouflaging the real position in suggesting that the Railways were now earning at least three per cent. If there was any camouflaging, I feel certain that my Honourable friend, Dr. Ziauddin Ahmad, would have discovered it at once; and since he has not done so, my Honourable friend's charge leaves me absolutely untroubled.

I would, Sir, in passing, assure my Honourable friend from Burma  
 5 P.M. opposite that while I cannot presume to speak authoritatively on all the details which he mentioned, I would like to express my complete sympathy with his desire for extended Burmanisation, if I may use that term, of the Railway Services in Burma, and I shall take an early opportunity of examining the position so far as the employment of Burmans on the Burma Railways is concerned.

My gallant friend, Sir Henry Gidney, who, I am glad to say judging from his speech today, has returned with unimpaired powers of vitality from the Round Table Conference, asked why it was necessary for us to have expert Committees. If, I remember rightly, Sir, my friend was a member of the Retrenchment Committee which itself suggested the appointment of this expert Committee.

My friend, Mr. Yamin, Khan, made certain suggestions. He suggested that we should examine and ascertain the causes which have led to this fall in our revenues. Well, Sir, that, I think, is a very reasonable suggestion to make and something on those lines has been in my own mind. I can assure him that I shall follow it up and see how far it will lead us.

Sir, before I sit down, I would like to explain to the House that, far from resenting criticism, we welcome it, and especially if it is criticism of a constructive nature which will lead us to improvement in the future. But, Sir, when we find that everything that we do is wrong, that our incompetence is only equalled by our inequities and injustices, then, Sir, I may be pardoned for suggesting that our critics are using glasses which are possibly distorting their vision. I would submit that despite failures, errors and mistakes, I would be the first to admit that these may have taken place in the past. I would submit that the record of Railway administration is really not one of which those, who are responsible for it, need be ashamed of. I would ask the House to analyse, for instance, the figures, the estimates of the current year, a year which has proved so disastrous to practically every Railway in the world, and I would ask them to realise the intrinsic position which lies behind these relevant figures. Taking commercial lines alone, our revised estimates of receipts for 1932-33 is 85.20 crores. We estimate our working expenses at 47.62; interest charges amount to 31.47 crores. Now, Sir, if we provided from revenue for all renewals and replacements not chargeable to capital, we should have to provide another 5.40 crores. With a miscellaneous expenditure of 12 lakhs, this makes a total expenditure of 84.61 crores as against a total receipt of 85.20. This would leave us a small surplus of 59 lakhs if it were not for the fact that we have to pay into the depreciation fund a very much larger sum than we are taking out of it for the current year's renewals and expenses. Now, Sir, I do submit that apart from everything else, these figures do show that my contention that our position is in essence a strong one is definitely borne out,

and I would ask my friends who criticise us to compare the results of the working of the Indian Railways with the results of the working of Railways anywhere in the world for the current year, and I would leave it to them to decide whether that comparison justifies those charges, those extreme charges, of incompetence and inaptitude which are so lightly made against us. I am sure, my friends will agree that these results, which we have been able to show in a period such as we are passing through, do not justify what has been said so often, I may say, so vehemently against us. I do not for one moment say that the administration cannot be improved; I do not for one moment say that the most relentless pressure is not needed in order to secure the maximum efficiency with the greatest economy. I do not say that there may not be ground for criticism.

**Mr. B. Das:** Thank you.

**The Honourable Sir Joseph Bhoré:** I do not say that this annual dissection of our affairs is not beneficial to the Railways, but what I do say is this, that if you dispassionately consider the hard facts which I have attempted to place before the House, I think Honourable Members will agree with me that they are rather inclined to lay too much stress upon the darker side and to ignore the brighter aspects of the picture which is presented by the working of our Railways.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 21st February, 1933.







## APPENDIX \*

Recently tenders have been called for by the Madras and Southern Mahratta Railway for 400,000 tons of coal to be delivered at Madras.

Tenders are to be made for—

|                     | Tons.   |
|---------------------|---------|
| Railborne . . . . . | 215,000 |
| By Sea . . . . .    | 185,000 |

Railway coal despatched to Calcutta for shipment to Madras is treated as export coal and a rebate of  $37\frac{1}{2}$  per cent. of the ordinary rate is given.

In addition Steamship Companies are not bound to charge standard rates and can reduce them to any figure that will make the total cost of carriage of the coal by sea less than the carriage by rail.

From the point of view of the Government of India which is very largely interested in both the Bengal Nagpur Railway and the Madras and Southern Mahratta Railway carriage by sea, instead of by rail, even at a slightly lower cost by sea is a dead loss.

For the carriage by sea actual cash has to be paid.

If sent by rail Government is saved the cash expenditure incurred by using the sea route.

For carriage over the Bengal Nagpur Railway section of the route the Madras and Southern Mahratta Railway pays the Bengal Nagpur Railway, but this payment so far as Government is concerned is only out of one pocket and into another.

For the carriage of the coal over the Madras and Southern Mahratta Railway from Waltair to Madras the Madras and Southern Mahratta Railway avoids expenditure in cash as the Railway pays the freight to itself and the actual cost of carriage is only the cost of the coal, oil and water used by the trains carrying it over the Madras and Southern Mahratta Railway Company's line.

As regards the Madras and Southern Mahratta coal for 1932-33, the financial effect of sending 185,000 tons of coal by sea, instead of by rail, is approximately as follows:

|                                      | Rail cum sea route.   |                                       | All rail route. |
|--------------------------------------|---|---------------------------------------|-----------------|
|                                      | Rs. a. p.   |                                       | Rs. a. p.       |
| From Coalfields to Kidderpore Docks. | 3 7 0<br>(includes $37\frac{1}{2}$ per cent. rebate and 15 per cent. sur-charge). | Bengal Nagpur Railway                 | 6 5 2           |
| Kidderpore Dock charges . . . . .    | 1 2 0   | Madras and Southern Mahratta Railway. | 5 1 10          |
| Sea freight . . . . .                | 5 1 0   |                                       | 11 7 0          |
| Madras Dock charges . . . . .        | 1 13 0  | Add 15 per cent. sur-charge.          | 1 11 0          |
|                                      | 11 7 0  |                                       | 13 2 0          |

\*Vide page. 852 of these debates,

It will be seen that of the rail *cum* sea rate, Rs. 8 represents a definite cash expenditure on the part of the Government of India and in the case of the Madras and Southern Mahratta coal would amount to Rs. 14,80,000. The all rail route, although Rs. 1-11-0 per ton more than the rail *cum* sea route, does not involve any cash expenditure on the part of the Government of India except the comparatively insignificant sum on the coal, oil and water consumed on the journey.

## LEGISLATIVE ASSEMBLY.

*Tuesday, 21st February, 1933.*

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. Chairman (Sir Hari Singh Gour) in the Chair.

### QUESTIONS AND ANSWERS.

#### IMPORT OF "EDIBLE OIL".

385. \***Mr. S. O. Mitra:** (a) Has the attention of Government been drawn to the news regarding the import of "edible oil" published in the *Daily Tej* of the 26th January, on page 6, column 5?

(b) Is it a fact that a commodity named "edible oil" is being imported in large quantity in India from Japan and Denmark?

(c) Is it true that "edible oil" is prepared from whale or fish fat?

(d) Are Government aware that as it is very cheap and easily mixable with pure ghee, it is being used in many big towns for adulteration purposes?

(e) Are Government aware that as the "edible oil" is not only injurious to health, but, being animal product, is also offensive to the religious notions of millions of vegetarians in India? If so, are Government prepared to take early and effective steps either to totally stop its import or at least check its use as an adulterant?

(f) Do Government propose to get it chemically examined and publish the examiner's report for public guidance and circularise the municipal committees in different provinces to check its sale?

**The Honourable Sir Joseph Bhoré:** (a) to (c). Yes.

(d) to (f). The Government of India have received representations to this effect. They do not consider that there is ground for prohibiting the import of fish oil as this oil is said to have industrial uses but they will look into the matter with a view to determining whether any action is desirable or feasible in the direction of checking its use as an adulterant of ghee.

**Pandit Satyendra Nath Sen:** May I know if there is any heavy duty on that article?

**The Honourable Sir Joseph Bhoré:** I think it is the ordinary revenue duty.

## DUTY ON IMPORTED HANDKERCHIEFS.

386. \*Mr. Jagan Nath Aggarwal: (a) Has the attention of Government been drawn to a communication published in the *Tribune*, Lahore, dated the 22nd January, 1938, from the Secretary, Handkerchiefs Manufacturing Association, Delhi, *re* duty on imported handkerchiefs?

(b) Are Government aware that manufactured handkerchiefs imported into India are liable to a duty only of 25 per cent. whereas if the same cloth is imported, it pays a duty of 50 per cent.?

(c) Are Government aware that handkerchief manufacturers, who use imported cloth for making handkerchiefs, are placed at considerable disadvantage as against exporters of the same commodity to this country?

(d) Are Government prepared to consider the desirability of taking steps to stop this unfair discrimination against the Indian manufacturers?

The Honourable Sir Joseph Bhore: (a) Yes.

(b) I presume the Honourable Member refers to cotton handkerchiefs. These handkerchiefs are imported in two forms, namely, in woven lengths and in the piece. The former are treated as cotton piece-goods and assessed to duty as such—i.e., 25 per cent. *ad valorem* if of British manufacture and 50 per cent. *ad valorem* if not of a British manufacture. When imported in the piece they are assessed to duty at 30 per cent. *ad valorem* if the manufacture of any country other than the United Kingdom or Northern Ireland and at the preferential rate of 20 per cent. *ad valorem* if the manufacture of the countries named.

(c) There is some disadvantage.

(d) No.

## AMOUNT SPENT IN CONSTRUCTING THE BRIDGE ON THE BRAHMAPUTRA BETWEEN SHAMBHUGANJ AND MYMENSINGH STATIONS OF THE ASSAM BENGAL RAILWAY.

387. \*Mr. D. K. Lahiri Chaudhury: (a) Will Government be pleased to state what amount was spent in constructing the bridge on the Brahmaputra between Shambhuganj and Mymensingh Stations of the Mymensingh-Bhairab Bazar Branch of the Assam Bengal Railway?

(b) Will Government be pleased to state what amount has been realised from the public by the Railway Company as pontage charge on account of the said bridge up to December, 1932?

Mr. P. R. Rau: (a) The cost of the bridge is about 9½ lakhs of rupees.

(b) Government regret that the information asked for is not available and that its compilation would involve a considerable amount of labour and expenditure incommensurate with its value.

Dr. Ziauddin Ahmad: May I just ask if the contract is auctioned to private individuals as is usually done?

Mr. P. R. Rau: This is a charge levied by the Railway Administration and is an addition to the cost of the ticket.

BENGALI INDIAN CIVIL SERVICE OFFICERS IN THE POLITICAL DEPARTMENT.

388. \***Mr. D. K. Lahiri Chaudhury:** Will Government be pleased to state how many Bengali I.C. S. officers are there in the Political Department?

**Mr. H. A. F. Metcalfe:** None. Only three applications from Bengali officers of the Indian Civil Service have been received. One of the candidates died before his application could be considered and the other two did not apply until after they had passed the limit of service prescribed for candidates from the Indian Civil Service.

LEVEL CROSSING ON EITHER SIDE OF THE RAILWAY STATION AT UNAO.

389. \***Rai Bahadur Lala Brij Kishore:** (a) Are Government aware that there are two level crossings on either side of the railway station of Unao in the Province of Oudh?

(b) Will Government state how many trains during day and night run over this line of the said station, viz., the line between Lucknow and Cawnpore?

(c) Are Government aware that these gates control the two thoroughfares leading to the civil and criminal courts, public offices and to the officers' bungalows in the civil lines and are very much frequented by the public and the litigants from the adjoining villages and the two neighbouring industrial centres, Cawnpore and Lucknow?

(d) Are Government aware that very often these gates remain closed for over half-an-hour causing great deal of trouble and inconvenience to the public travelling by vehicles and, in some cases, when a combined train runs from Cawnpore and is divided at Unao?

(e) Are Government aware that complaints have been made about their closing and the inconvenience to the public in newspapers and, if so, what steps have Government taken to redress those grievances?

(f) Are Government aware that this matter has been brought to the notice of the Railway authorities, but no redress has been given? Are Government prepared to enquire about it and lay on the table a statement on the result of their enquiry?

(g) Having regard to the serious inconvenience and detention of the public, are Government prepared to direct the railway authorities concerned, that steps be taken to remove this inconvenience and that the gate may not remain closed for more than five minutes at one time?

(h) Have Government considered the question whether it is possible to make an underground passage for the passing of the vehicular traffic in order to remove the great inconvenience to the public? What steps do Government propose to take in this matter?

(i) Will Government please state what will be the cost of constructing such a passage?

(j) Are Government aware that an undertaking to provide an underground passage even on one crossing will remove a lot of trouble and inconvenience to the public of the district?

**Mr. P. R. Rau:** Government have hitherto received no complaints about this matter. I am sending a copy of the question to the Agent, East Indian Railway, for any action that may be necessary.

**Rai Bahadur Lala Brij Kishore:** This question was also sent in the November Session.

**Mr. P. R. Rau:** I have sent a copy of the question to the Agent of the East Indian Railway for consideration.

**Mr. M. Maswood Ahmad:** Has any reply been received?

**Mr. P. R. Rau:** No.

**Dr. Ziauddin Ahmad:** Does the Honourable Member expect to get any reply at all?

**Mr. P. R. Rau:** When I get a reply, I shall be glad to lay a copy of it on the table.

#### SEPARATION OF JUDICIAL FROM EXECUTIVE FUNCTIONS.

390. **\*Sardar Sant Singh:** Will Government be pleased to state when the demand for the separation of judicial from executive functions was first made? How many times did the question come up before the Executive Council of the Government of India and with what result? At what stage is the question now and is it likely to be settled in favour of separation? If so, when?

**The Honourable Sir Harry Haig:** As far as my enquiries go I find that the public demand for the separation of judicial and executive functions seems first to have been made in 1886 in a resolution on the subject by the Indian National Congress. In regard to the second part of the question, as the Honourable Member is aware, proceedings of His Excellency the Governor General's Executive Council are confidential and I can give no information. As to the third part of the question, it is not proposed to reach any conclusions until the factors that will condition the problem in the new constitution have become apparent.

**Mr. Lalchand Navalrai:** Will Government be pleased to state if they have recognised that it is necessary and feasible that there should be the separation of executive from judicial functions?

**The Honourable Sir Harry Haig:** No, Sir. The Government of India, as at present constituted, do not recognise that.

**Mr. Gaya Prasad Singh:** Is it not a fact that the separation of executive and judicial functions will weaken the hand of the executive officers in carrying out their administrative work?

**The Honourable Sir Harry Haig:** It would be a system to which I think there are on general grounds considerable objections.

**Mr. Lalchand Navalrai:** Apart from the coming of the new constitution, will the Honourable Member be pleased to state what is the opinion of the Government of India definitely on this point?

**The Honourable Sir Harry Haig:** The Government of India do not propose to take any further action on the matter as I have said until the factors, that will condition the problem in the new constitution, have become apparent.

**Mr. S. O. Mitra:** Is it not a fact that the Government have accepted the principle of separation as just and equitable and that it is only on grounds of expense that they have not given effect to it?

**The Honourable Sir Harry Haig:** I should require notice of that. I am not aware that the Government of India have ever accepted the principle.

**Mr. Gaya Prasad Singh:** Is it not a fact that the Government recognise that it is inexpedient to separate the judicial and executive functions in view of the political agitation, as the present system is likely to impart a bias in the trial of political and police cases?

**The Honourable Sir Harry Haig:** The Government of India have no intention at the present moment of passing any orders.

**Sardar Sant Singh:** May. I know if it is a fact that in March, 1927, a question was put in the House of Commons to the effect whether it was proposed to separate the judicial and executive functions in the Government of India or not and that it was replied that the question was still under consideration. Is it also not a fact that the same question was repeated in March, 1928, in the House of Commons and that the reply was given that the matter was still under consideration with the additional remark that the question had been under discussion for the last 90 years. How is it then that the present reply states that the question arose in 1886 and not a century before?

**The Honourable Sir Harry Haig:** My researches into history may not have been quite complete, but I have been unable to trace the question further back than the year 1886.

**Mr. K. Ahmed:** A Resolution was passed in this Assembly in the autumn Session at Simla in the year 1923 at the instance of the late Rai Bahadur J. N. Mukherjee, M.L.A., the predecessor of Mr. Amar Nath Dutt, and that Resolution was carried by a majority. Then a Reforms Committee, called the Muddiman Committee, was appointed which considered this question also and now the Round Table Conferences have been considering the same. So the matter is something like *sub judice*. And, therefore, the question does not arise for the present.

**The Honourable Sir Harry Haig:** I am very glad to note my Honourable friend's conclusion, though I have not been able to follow all the processes by which he has come to his conclusion. (Laughter.)



**Mr. B. V. Jadhav:** Is it not a fact that the demand for separation of executive from judicial first came from the Indian side in 1886 and that any previous consideration of the question may have been by the Government themselves?

**The Honourable Sir Harry Haig:** I have never heard that the Government initiated this proposal for the separation of the judicial from the executive.

**Mr. M. Maswood Ahmad:** Are Government aware of the general feeling in the public that the judicial should be separated from the executive?

**The Honourable Sir Harry Haig:** It is certainly a demand that comes from certain sections of opinion in this country. It is not a demand that commends itself generally to the public.

**Pandit Satyendra Nath Sen:** What are the section or sections that do not want this separation?

**The Honourable Sir Harry Haig:** I do not think it is a matter of great interest to the great majority of the people of this country.

**Mr. Lalchand Navalrai:** May I know from the Honourable Member what is the opinion of the judiciary about this separation of the executive from judicial functions.

**The Honourable Sir Harry Haig:** I do not know what my Honourable friend means by the opinion of the judiciary.

**Mr. Lalchand Navalrai:** The opinion of the High Courts.

**The Honourable Sir Harry Haig:** I am not sure that the opinion of the High Courts is at the present moment on record.

**Mr. Gaya Prasad Singh:** May I know, Sir, what steps Government have taken to ascertain public opinion on the subject as to what section of the public is in favour of the separation and what section is opposed to it or is indifferent?

**The Honourable Sir Harry Haig:** I think, Sir, the Government depend for that on the resolutions of the Indian National Congress and other bodies which have pressed for this change for many years.

**Mr. Gaya Prasad Singh:** Then, I take it, the Government of India have taken no steps to ascertain public opinion on the subject?

**The Honourable Sir Harry Haig:** Public opinion, to the extent to which it is interested, has taken measures to declare itself.

**Mr. M. Maswood Ahmad:** Do Government propose to circulate this matter in order to elicit public opinion on this question?

**The Honourable Sir Harry Haig:** No, Sir. It is not proposed to take any further steps at the present moment.

**Mr. Gaya Prasad Singh:** May I know how the Honourable Member says that there are certain sections of the public that are indifferent or opposed to this scheme?

**The Honourable Sir Harry Haig:** I think that may be inferred from their silence.

**Mr. Laichand Navalrai:** May I know whether the opinions of the Congress are considered to be full of bad motives?

**The Honourable Sir Harry Haig:** No, Sir. No question of motives arises. It is a question of policy.

**Sardar Sant Singh:** Does the Honourable Member know that the lack of confidence in the impartiality of the first Courts is due to this fact that the executive and judicial functions are combined in one and the same gentleman?

**The Honourable Sir Harry Haig:** No, Sir. I cannot accept that view.

**Dr. F. X. DeSouza:** In view of the fact, Sir, that at the present stage the question is purely academic and in view of the impending constitutional reforms and of the present financial stringency, is it not the case that the question of such separation at the present time is not practical politics?

**The Honourable Sir Harry Haig:** That, Sir, is the point which I tried to bring out in my original answer.

**Sardar Sant Singh:** Do I understand, Sir, that the liberty of the people who are being tried by Magistrates, combining in themselves judicial and executive functions, is at stake here and that this is, therefore, not a purely academic question?

**The Honourable Sir Harry Haig:** I am afraid I did not quite follow the Honourable Member's argument.

**PERSONS ARRESTED, DETAINED WITHOUT TRIAL, PROSECUTED AND CONVICTED UNDER THE CRIMINAL LAW AMENDMENT ACT.**

391. **\*Sardar Sant Singh:** Will Government kindly state Province by Province, the number of persons arrested, detained without trial, prosecuted and convicted under the Ordinance Act passed in the November Session of the Assembly? How many have been detained under the Ordinances since January, 1932? How many of them are still under detention under the Consolidated Ordinance of June, 1932?

**The Honourable Sir Harry Haig:** The Criminal Law Amendment Act of 1932 does not give any powers of detention without trial. I expect shortly to have information as to the number of convictions under the Act up to the end of January and will lay a statement on the table in due course. I regret I am unable to give the Honourable Member figures of arrests and prosecutions. As regards the remaining parts of the question, I lay a statement on the table giving the information in my possession.

Detailed statement of action taken under Section 3 of Ordinance II and Chapter II of Ordinance X of 1932.

| Province.           | January, 1932. |              | Febru-<br>ary, 1932. |              | March, 1932. |              | April, 1932. |              | May, 1932. |              | June, 1932. |              | July, 1932. |              | August, 1932. |              | Sep-<br>tember, 1932. |              | Octo-<br>ber, 1932. |              | Novem-<br>ber, 1932. |              | Decem-<br>ber, 1932. |              | Total    |              |
|---------------------|----------------|--------------|----------------------|--------------|--------------|--------------|--------------|--------------|------------|--------------|-------------|--------------|-------------|--------------|---------------|--------------|-----------------------|--------------|---------------------|--------------|----------------------|--------------|----------------------|--------------|----------|--------------|
|                     | Arrests.       | No. in jail. | Arrests.             | No. in jail. | Arrests.     | No. in jail. | Arrests.     | No. in jail. | Arrests.   | No. in jail. | Arrests.    | No. in jail. | Arrests.    | No. in jail. | Arrests.      | No. in jail. | Arrests.              | No. in jail. | Arrests.            | No. in jail. | Arrests.             | No. in jail. | Arrests.             | No. in jail. | Arrests. | No. in jail. |
| Bombay .            | 383            | 453          | 161                  | 264          | 89           | 92           | 74           | 69           | 47         | 57           | 197         | 64           | 155         | 75           | 70            | 77           | 42                    | 74           | 62                  | 68           | 59                   | 91           | 35                   | 75           | 1,874    | 75           |
| Bengal .            | 426            | 253          | 150                  | 51           | 40           | 5            | 55           | 20           | 9          | 1            | 72          | 2            | 17          | 9            | 17            | 7            | 59                    | 57           | 76                  | 29           | 35                   | 23           | 31                   | 18           | 987      | 18           |
| United Provinces .  | 10             | 10           | 1                    | 1            | 1            | 1            | 1            | 1            | ..         | ..           | 1           | ..           | ..          | ..           | ..            | ..           | ..                    | ..           | ..                  | ..           | ..                   | ..           | ..                   | ..           | 13       | ..           |
| Punjab .            | 3              | 3            | 2                    | 5            | ..           | 2            | 3            | 3            | 1          | 4            | ..          | 1            | ..          | ..           | 1             | 1            | 3                     | 4            | 1                   | 4            | ..                   | 1            | 1                    | 1            | 14       | 1            |
| Bihar and Orissa .  | ..             | ..           | ..                   | ..           | ..           | ..           | ..           | ..           | ..         | ..           | ..          | ..           | ..          | ..           | ..            | ..           | ..                    | ..           | ..                  | ..           | ..                   | ..           | ..                   | ..           | ..       | ..           |
| North-West Frontier | 3,701          | 2,039        | 24                   | 12           | 2            | 37           | 3            | 50           | ..         | 36           | ..          | 33           | 6           | 6            | 5             | 7            | 2                     | 4            | 3                   | 2            | 1                    | ..           | ..                   | ..           | 3,749    | ..           |
| Delhi .             | ..             | ..           | 10                   | 8            | 4            | 12           | 17           | 17           | 2          | 12           | 1           | 5            | 7           | 5            | 3             | 7            | 11                    | 4            | 2                   | 3            | 1                    | 2            | ..                   | ..           | 58       | ..           |
| Total               | 5,023          | 2,758        | 348                  | 341          | 135          | 149          | 153          | 160          | 59         | 110          | 271         | 105          | 185         | 95           | 96            | 99           | 117                   | 143          | 144                 | 106          | 96                   | 117          | 67                   | 94           | 6,696    | 94           |

PERSONS UNDERGOING SENTENCES CONVICTED OF OFFENCES IN  
CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

392. \*Sardar Sant Singh: Will Government kindly state the total number of persons on the 1st February, 1933, undergoing sentences convicted of offences in connection with the civil disobedience movement?

The Honourable Sir Harry Haig: The information is being obtained and I will lay a statement on the table in due course.

CONTRIBUTION MADE BY THE GOVERNMENT OF INDIA TO THE LEAGUE OF  
NATIONS.

393. \*Sardar Sant Singh: (a) What was the amount of contribution in rupees made by the Government of India to the League of Nations when it came into existence? What amount has been annually paid since then?

(b) Was any reduction made in the amount of contribution to the League of Nations in 1930, 1931 or 1932 due to the financial stringency and appreciation of the rupee value?

The Honourable Sir Brojendra Mitter: (a) A statement is laid on the table.

(b) The Honourable Member is, I think, under a misapprehension. The amount paid by India is not, as he appears to suppose, a lump amount susceptible of reduction, but that fraction of the total actual expenditure of the League for any particular year which falls to be paid by her under the existing scheme of allocation, while as contributions are payable in gold francs, the rupee cost to India has been increased and not diminished by reason of recent exchange developments.

*Statement showing the amount of India's contribution\* to the League of Nations.*

| Year.                     | Amount.   |
|---------------------------|-----------|
|                           | Rs.       |
| 1921-22 (actuals)         | 5,49,160  |
| 1922-23                   | 4,37,480  |
| 1923-24                   | 7,77,990  |
| 1924-25                   | 7,05,260  |
| 1925-26                   | 5,32,880  |
| 1926-27                   | 5,44,150  |
| 1927-28                   | 6,67,120  |
| 1928-29                   | 6,85,530  |
| 1929-30                   | 7,56,130  |
| 1930-31                   | 8,10,450  |
| 1931-32                   | 9,02,790  |
| 1932-33 (Budget estimate) | 12,58,000 |

(NOTE.—Up to 1927-28 the sterling payments have been converted in the statement at the statutory rate of 2s. the rupee and from 1927-28 at the statutory rate of 1s. 6d. the rupee)

### DEFAULTING MEMBERS OF THE LEAGUE OF NATIONS.

394. **\*Sardar Sant Singh:** Is it a fact that many members of the League of Nations have made a default in making their contribution? If so, how many and which of them and since what year? What is the present value in rupees of the arrears standing in the name of each country?

**The Honourable Sir Brojendra Mitter:** The attention of the Honourable Member is invited to paragraphs 63-65 of the Report of the Delegates of India to the 13th Session of the Assembly of the League of Nations, 1932, which was published in the Gazette of India, dated the 31st December, 1932.

### APPOINTMENT OF A COMMITTEE TO INQUIRE INTO THE UTILITY OF MAKING CONTRIBUTIONS TO THE LEAGUE OF NATIONS.

395. **\*Sardar Sant Singh:** Are Government prepared to take steps to appoint a committee to inquire into the utility of making contributions to the League of Nations? If not, what is the obstacle in the way of Government? Are the Government of India a free agent in deciding the question whether they should remain a member of this League or not?

**The Honourable Sir Brojendra Mitter:** The suggestion apparently implicit in the Honourable Member's question to the effect that India should withdraw from the League with a view to saving the amount of her contribution to the League is one which the Government of India are not prepared to entertain. Consequently, they are not prepared to appoint a committee of the nature contemplated by the Honourable Member. As regards the last part of the question, the Honourable Member will observe from paragraph 3 of article I of the Covenant that any member of the League may, after two years' notice of its intention to do so, withdraw from the League.

**Dr. Ziauddin Ahmad:** May I ask whether the contribution to the League of Nations is a votable demand or non-votable?

**The Honourable Sir Brojendra Mitter:** I think it is votable. That is my impression.

**Dr. Ziauddin Ahmad:** So if this Assembly votes against this contribution, then it means that India will be out of it?

**An Honourable Member:** This Assembly will never vote such a thing.

**The Honourable Sir Brojendra Mitter:** That is a hypothetical question.

**Sardar Sant Singh:** In view of the general feeling as to the inability of the League of Nations to bring effective pressure upon Japan in connection with the threatened war in the Far East, are the Government of India prepared to go into the matter with a view to finding out whether there is any useful purpose served by India's continuance of contribution to the League of Nations and not by serving them with a notice after two years?

**The Honourable Sir Brojendra Mitter:** The Government of India consider that the League of Nations is doing very useful work and they do not intend to withdraw from the League.

**CLASSIFICATION IN JAIL OF MEERUT CONSPIRACY CASE PRISONERS.**

**396. \*Mr. S. O. Mitra:** (a) What was the total expenditure incurred by the Government of India over the Meerut Conspiracy Case?

(b) Will Government please explain why all the accused in the Meerut Case irrespective of their status in life and education were classed as 'C' class prisoners?

(c) Is it a fact that the Sessions Judge in the case has written on the warrants of prisoners that they should be placed in 'C' class, because they represented the workers?

(d) Will Government please explain why the Meerut Communists Conspiracy Case was initiated and conducted by the Government of India? Will not the Government of India make the final classification of these prisoners? Why is it being still delayed?

(e) Is it a fact that the prisoners were treated as "special" class prisoners when they were under trial on representation to the Government of India?

(f) Is it a fact that these prisoners during their undertrial period had been allowed larger allowance for their food than is ordinarily allowed to "A" class prisoners and many other privileges under the orders of the Government of India?

(g) Is it a fact that these prisoners were sent to Almorah District Jail in September, 1932, and brought back by train to Meerut in November, 1932, in reserved second class compartments?

(h) Is there any objection to place these prisoners in class "A" now?

**The Honourable Sir Harry Haig:** (a) Rs. 16,67,108 up to the 31st January, 1933.

(b), (c) and (h). The prisoners were recommended for "C" Class by the trying court. I have no information as to the grounds on which this recommendation was made. They have been placed in "B" Class under the orders of the United Provinces Government with whom rests the final responsibility for determining the classification.

(d) The case was initiated by the Government of India as the alleged conspiracy took place in various parts of India and the issue involved in it was one of All-India importance. As regards the second part of this question, I have nothing to add to the reply given by me to part (h) above.

(e), (f) and (g). The facts as regards treatment are substantially as stated; but under the rules in force prisoners, while under trial, may be granted certain concessions to which there can be no claim on conviction, as treatment thereafter must be regulated by the classification as finally determined.

**Mr. N. M. Joshi:** May I ask whether the Government propose to pay the expenses for the appeal of these accused?

**The Honourable Sir Harry Haig:** I do not think, Sir, there is any such proposal under consideration.

**Mr. N. M. Joshi:** In view of the fact that these people have been on trial for more than three years and have spent almost everything that they had, do not Government propose to help them to have effective appeals against their sentences?

**The Honourable Sir Harry Haig:** Can the Honourable Member tell me whether they were assisted in their defence during the trial?

**Mr. N. M. Joshi:** I think so. They were given one advocate, at least some of them were given one advocate, paid for by the Government.

**The Honourable Sir Harry Haig:** I would ask the Honourable Member to give me notice of that question.

**Dr. Ziauddin Ahmad:** May I ask what are the main items of expenditure in these 16 lakhs?

**The Honourable Sir Harry Haig:** I am afraid I have not got the details with me.

**Mr. N. M. Joshi:** May I ask whether the Government are not aware that they pay their own advocate a very large sum of daily allowance, but pay for the accused a very small amount?

**The Honourable Sir Harry Haig:** It is probable that the Government would spend a larger amount on prosecuting their case than on giving facilities for the defence.

**Mr. N. M. Joshi:** May I ask whether it is not the duty of the Government to see that the accused are properly defended?

**The Honourable Sir Harry Haig:** The general principle is that the Government of India put their case into Court with such legal assistance as they think is necessary and that it is for the accused to provide their own defence.

**Mr. N. M. Joshi:** May I ask whether it is generally the practice that a trial should last for more than a year?

**The Honourable Sir Harry Haig:** I am glad to say that it is not.

**Mr. K. Ahmed:** Is it not a fact that in capital sentence cases only the cost for defence is generally maintained by the Government and not in any other cases?

**The Honourable Sir Harry Haig:** That, I think, is correct.

**Mr. Gaya Prasad Singh:** Is it not a fact that in the Delhi Conspiracy Case also the Government undertook to pay for the expenses of the defence?

**The Honourable Sir Harry Haig:** They did, Sir.

**Mr. N. M. Joshi:** May I ask whether the Government will consider the desirability of giving advocates for the accused when their appeals come up for hearing?

**The Honourable Sir Harry Haig:** I have already said that if the Honourable Member would give me notice of that question, I would consider it.

**Mr. S. C. Mitra:** Is the Honourable Member in a position to tell us if the expenditure of 16 lakhs and odds includes the expenses of the pay of the Judge for these three years, the expenditure incurred over the food of the prisoners and their clothing in the jail and similar other items?

**The Honourable Sir Harry Haig:** I am afraid I have not got the details with me, but I should imagine that the cost would include at any rate the pay of the Judge.

#### REPAIRS TO MAUDE ROAD IN NEW DELHI.

**397. \*Mr. S. C. Mitra:** (a) Will Government please refer to the reply given to Mr. S. G. Jog's starred question No. 1586 in the Legislative Assembly on the 5th December, 1932, regarding repairs to Maude Road in New Delhi and state whether the road has since been properly repaired?

(b) Is it a fact that repairs have since been carried out in several thoroughfares of New Delhi?

(c) If the reply to part (a) be in the negative, will Government please state when the road will be repaired?

**Mr. G. S. Bajpai:** (a), (b) and (c). Repairs to Maude Road have not been carried out yet but provision for this has been included in the next year's programme and work will probably start next April.

#### INDIAN STUDENTS STUDYING OUTSIDE INDIA.

**398. \*Mr. M. Maswood Ahmad:** Will Government be pleased to state the number of Indian students studying outside India with the names of the Universities and countries where they are studying?

**Mr. G. S. Bajpai:** The attention of the Honourable Member is invited to section II and appendix IV of the Report on the work of the Education Department of the High Commissioner for India, for the year 1930-31, which give all the available information. A copy of the Report has been placed in the Library of the House.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to state if it is a fact that complaints have been made by Indian students in England and elsewhere in the foreign countries that they are not being given sufficient facilities for prosecuting their studies as they used to get before?

**Mr. G. S. Bajpai:** I have seen reports in the Press to that effect, but I would submit that it does not arise out of the question which I have been answering.

#### EXCLUSION OF CERTAIN AREAS FROM THE JURISDICTION OF THE CORPORATION OF CALCUTTA.

**399. \*Pandit Satyendra Nath Sen** (on behalf of Mr. C. C. Biswas): (a) Is it a fact that Fort William, the Esplanade and a portion of Hastings are excluded from the definition of Calcutta under the Calcutta Municipal Act (Act III of 1923, Bengal Council), and from the jurisdiction of the Corporation of Calcutta?

(b) If so, in whom is title or jurisdiction vested in respect of such excluded areas?



**Mr. G. R. F. Tottenham:** (a) Yes.

(b) The areas are under the control and management of Government.

**PORTION OF THE CALCUTTA MAIDAN HELD BY THE ROYAL TURF CLUB  
FOR USE AS A RACE COURSE.**

**400. \*Mr. C. C. Biswas:** (a) Is it a fact that a portion of the Calcutta Maidan is held by the Royal Calcutta Turf Club for the purposes of a Race Course? Is there any lease under which it is so held by them? If so, what are the terms and conditions of the lease, when is the lease due to expire, and is it intended to renew the lease on more profitable terms in keeping with rents paid for similar lands in the locality?

(b) What are the terms and conditions on which other portions of the Calcutta Maidan are being occupied by Football, Golf and other Sports Clubs, and by the Ronaldshay Hut?

**The Honourable Sir Harry Haig:** (a) A portion of the Calcutta Maidan is held by the Royal Calcutta Turf Club on a lease which expires in 1936. The terms and conditions of the existing lease may be seen from a copy of it which is in the Library of the House. I understand that the Government of Bengal are considering the question of a new lease.

(b) I have asked the Local Government for the information and will lay it on the table in due course.

**ENQUIRY REGARDING THE TITLE OF GOVERNMENT TO SOME PROPERTIES  
IN AND NEAR CALCUTTA.**

**401. \*Mr. C. C. Biswas:** (a) Is it a fact that some time ago the Government of India directed an enquiry to be made to ascertain the title of Government to some properties in and near Calcutta, including those mentioned in the preceding questions?

(b) If so, what are the properties in respect of which such inquiry was directed, and what has been the result of such inquiry?

(c) Will Government be pleased to state if a complete report of such inquiry has been obtained? If so, will Government be pleased to lay on the table a copy of such report? If not, will Government please state what steps are being taken to get an early report?

(d) What steps were taken by Government for conducting such inquiry, if any, and what is the amount so far spent on it?

(e) Is it in contemplation to dispose of any of the said properties belonging to Government in and near Calcutta that are no longer required by Government, after ascertainment of Government's title in respect thereof?

(f) Is it a fact that the property known as the Dakshineswar Magazine and a portion of the Dum Dum Cantonment have been already disposed of by Government upon ascertainment of Government's title thereto? If so, for how much?

(g) If an enquiry was directed as suggested above, and if the enquiry has not yet been completed, do Government propose to see that the inquiry should be completed as early as practicable, and Government's title to all the properties in question should be clearly ascertained and established, and not left in any state of doubt or uncertainty?

**Mr. G. R. F. Tottenham:** (a) An examination was made recently of the records relating to certain military properties in and near Calcutta.

(b) and (c). A list of the properties in respect of which the examination was undertaken is laid on the table. The result was of value, so far as the examination went, in that it brought together in a convenient form a number of records bearing on the history of the sites which might otherwise have been lost sight of. The examination was not, however, completed because it was considered unnecessary to spend further money on it at present; nor do Government consider it necessary to publish the reports already received, as they were compiled entirely for their own information and convenience.

(d) An officer of the Bengal Civil Service was employed on the examination. The amount spent was approximately, Rs. 8,800.

(e) Not at present, except for one plot, the disposal of which was contemplated by Government before the examination began.

(f) The properties at Dakshineswar and certain properties in Dum Dum have been sold by the Government of Bengal, acting on behalf of the Government of India. The amount realised was in the neighbourhood of Rs. 9 lakhs and Government's title was accepted without question by the purchasers.

(g) There is no serious doubt as to the rights of the State in the properties. This being so, although it is certainly of advantage to compile a clear record of the title in each case, Government do not consider that they would be justified in spending further money on such work at the present moment.

*List of Military properties in and near Calcutta in respect of which records have been examined.*

|   | Acres. |
|---|--------|
| 1. Fort William and B. M. Hospital, Calcutta . . . . .                                    |        |
| 2. Indian Military Hospital, Alipore . . . . .  | 7.79   |
| 3. Remount Depot, Alipore . . . . .   | 36.37  |
| 4. I. I. Lines, Alipore . . . . .   | 59.44  |
| 5. I. C. Lines, Ballygunge . . . . .  | 102.64 |
| 6. Nos. 49 and 50 Colootola Street, Military Students Quarters (Medical)                  | 0.56   |
| 7. Calcutta Scottish Headquarters, excluding land leased from Bengal Government . . . . . | 1.31   |
| 8. No. 2 Dockyard Official quarters Kiddarpore (R.I.M. Property) . . . . .                | 1.58   |
| 9. A. C. 1 Superintendent's quarters, Alipore . . . . .                                   | 1.61   |
| 10. A. C. 2 Asstt. Superintendent's quarters, Alipore . . . . .                           | .74    |
| 11. A. C. 3 Commissary's quarters, Alipore . . . . .                                      | .51    |
| 12. A. C. 4 A. C. Factory Subordinates quarters, Alipore . . . . .                        | 1.50   |
| 13. A. C. 5 A. C. Factory, Police Guard Quarters, Alipore . . . . .                       | .08    |
| 14. No. 33 Mominpur . . . . .   | .74    |
| 15. No. 9 Rifle Range Road, Ballygunge . . . . .  | 2.11   |

**Lieut.-Colonel Sir Henry Gidney:** Will the Honourable Member inform this House whether or not it is a fact that (a) in Hastings, (b) in Dum Dum and (c) in Barrackpore, there are properties (buildings and otherwise) belonging to the Army Department which are superfluous to requirements? If the answer be in the affirmative, will the Honourable Member inform this House whether Government intend to negotiate the sale of all those properties?

**Mr. G. R. F. Tottenham:** I cannot give specific information about Hastings, Sir, at the present moment. There are certain properties in Dum Dum which belong to the military authorities and which are superfluous to their requirements and we are doing our best to get rid of them at a profit. As I have said in reply to part (f), we have already sold nine lakhs worth of property in Dum Dum.

**Lieut.-Colonel Sir Henry Gidney:** Arising out of the reply just given by the Honourable Member, will he kindly inform this House whether he will institute inquiries as to whether the buildings in Hastings are such as to be almost six or seven times the requirements of the staff that inhabits those buildings? If it is a fact that they are superfluous to requirements, will the Honourable Member effect a sale or whatever is unnecessary in the interests of Government?

**Mr. G. R. F. Tottenham:** I will certainly institute inquiries and I can assure the Honourable Member that we are only too anxious to sell any superfluous properties that we may have so as to secure a little much-needed money for the Army Budget.

#### REVISION OF THE TIMINGS OF THE GRAND TRUNK EXPRESS.

402. **\*Diwan Bahadur A. Ramaswami Mudaliar** (on behalf of Mr. Muhammad Muazzam, Sahib Bahadur): (a) Will Government be pleased to state if it is not a fact that the time taken by the Grand Trunk Express between Madras and Delhi is now some three to four hours in excess of that used to be taken some months back?

(b) Will Government state if that is due to stoppages at many small stations on the Itarsi-Nagpur section and in His Exalted Highness the Nizam's territory?

(c) Is it a fact that the Express is made to wait between Muttra and Delhi until the morning mails from Delhi to Bombay have passed?

(d) Are Government aware of the inconvenience thereby caused to through passengers?

(e) Are Government prepared to have the timings so revised that the journey is made within the minimum space of time and that the Express is not delayed on account of other trains having to pass?

(f) Will Government be pleased to state if, on such revision, it is not possible to run the Express from Delhi to Madras and *vice versa* in 46 hours?

**Mr. P. R. Rau:** (a) The time taken at present by the south-bound Grand Trunk Express trains between Madras and Delhi is 2 hours longer than in March, 1932, by the north-bound Express it is 1 hour 38 minutes longer.

(b) Since March, 1932, the number of stoppages between Itarsi and Nagpur and on the Nizam's State Railway has decreased by two on the south-bound train and increased by three on the north-bound train; the latter would involve a delay of about 20 minutes.

(c) The north-bound Grand Trunk Express is detained at Palwal to cross 6 Up Great Indian Peninsula Mail and at Asoti to cross 4 Up Bombay, Baroda and Central India Frontier Mail between Muttra and Delhi.

(d), (e) and (f). The inconvenience caused to through passengers has been brought more than once to the notice of Government and they have been considering in consultation with the Agents concerned how far it is possible to avoid or reduce it by revision of the time table; but the question presents difficulties as there is only a single line between New Delhi and Agra. Moreover, owing to the condition of the track and bridges on parts of the Great Indian Peninsula Railway there are certain speed restrictions at present in force. The strengthening of the light track and weak bridges is in hand and the speed restriction on one section will be removed from 1st March, 1933, and on another from 1st October, 1933. From 1st March the time taken on the run over the Great Indian Peninsula Railway will be reduced by 1 hour 20 minutes on the north-bound train, and by 25 minutes on the south-bound train. From 1st October it is hoped it will be possible to reduce still further the time in each direction over the Great Indian Peninsula Railway.

**Mr. F. E. James:** Is the Honourable Member aware that the upper class carriages of this so-called Grand Trunk Express are invariably very old and that the third class carriages are almost invariably a disgrace to any Railway Administration?

**Mr. P. R. Rau:** That complaint has been brought to the notice of Government and the Great Indian Peninsula Railway Administration has been asked to look into the matter.

**Mr. F. E. James:** Would the Honourable Member also direct inquiries to be made to the Madras and Southern Mahratta Railway?

**Mr. P. R. Rau:** Yes, Sir; I shall send a copy of these questions and answers to the Agent, Madras and Southern Mahratta Railway.

#### CONFIRMATION OF CERTAIN CLERKS IN THE IMPERIAL SECRETARIAT.

403. **\*Mr. S. C. Mitra:** (a) Is it a fact that in the Imperial Secretariat there are clerks who qualified themselves for First or Second Division prior to 1931, but have not yet been confirmed in the Division for which they qualified, while those who qualified in the 1931 (competitive) examination have been confirmed in the vacancies set aside for external recruitment, in preference to the former, under instructions issued by Government regulating recruitment to the ministerial establishment in the Government of India offices?

(b) If the reply be in the affirmative, will Government kindly state the reasons for making external recruitment, even for a specified number of vacancies, when duly qualified candidates coupled with long experience of office work are available?

(c) Are Government aware of the discontent caused by this practice?

(d) Are Government prepared to consider the desirability of amending the aforesaid instructions so as to postpone external recruitment till the qualified candidates already in service have secured confirmation in the Division for which they have qualified? If not, why not?

**The Honourable Sir Harry Haig (a) Yes.**

(b) I would refer the Honourable Member to the replies given in this House on the 11th February, 1931, and 23rd September, 1931, to questions Nos. 173 and 783, respectively.

(c) and (d). Certain representations were received in 1930 and the orders issued by Government will be found in the Home Department Office Memorandum No. F.94/30-Ests., dated the 18th February, 1931, a copy of which is in the Library of the House. I would invite the attention of the Honourable Member to paragraph 3 of that Office Memorandum which makes adequate provision for the promotion or confirmation of existing qualified men. Government are not aware of any present discontent in the matter and do not see sufficient justification for postponing external recruitment as suggested by the Honourable Member.

#### REVISION OF SCALES OF PAY FOR NEW ENTRANTS TO THE IMPERIAL SECRETARIAT.

404. **\*Mr. S. O. Mitra:** (a) Is it a fact that the Government of India contemplate revising the scales of pay of "new entrants" to the ministerial establishment in the Imperial Secretariat?

(b) If the reply to part (a) above be in the affirmative, will Government please define the term "new entrants" in so far as the application of the revised scales of pay is concerned?

(c) Will Government kindly state what will be the scale (new or old) to which the following categories of the Secretariat establishment will be entitled after the introduction of the revised scales of pay:

- (i) permanent First Division clerks if and when promoted to Superintendentship;
- (ii) clerks permanent in Third or Second Division and officiating in Second or First Division (for which they have qualified) if and when confirmed in the division for which they have qualified;
- (iii) qualified clerks who have not secured permanent posts owing either to lack of vacancies or to the preferential treatment accorded to the candidates recruited against the vacancies set aside for external recruitment?

**The Honourable Sir Harry Haig:** (a) Yes.

(b) and (c). Government are at present considering the principles which will regulate the application of the new scales of pay and propose to reach conclusions on these at the same time that they reach conclusions about the new scales. These principles will govern the special cases to which the Honourable Member refers in his question.

**Dr. Ziauddin Ahmad:** Does this inquiry extend to the Railway and Postal Departments?

**The Honourable Sir Harry Haig:** The inquiry covers all the services under the Central Government, and, as far as I know, includes also the Railway services.

COMMUNAL COMPOSITION OF CERTAIN CADRES ON THE GREAT INDIAN PENINSULA RAILWAY.

405. \***Mr. Goswami M. R. Puri:** (a) Will Government be pleased to lay on the table a statement showing:

the number of (i) Hindus, (ii) Goanese, (iii) Muhammadans, (iv) Anglo-Indians, (v) Parsis, (vi) Indian Christians, and (vii) Europeans working in the Great Indian Peninsula Railway holding jobs in the Loco. Department as firemen, drivers, Loco. Inspectors and Loco. Foremen; and the number of persons according to each of the above communal classifications working in the Carriage and Wagon Department?

(b) Will Government be pleased to state whether it is a fact that Anglo-Indians have been replaced by Goanese and Parsis on "graded" stations such as Kirkee, Lonavla, Karjat, Narel, Kalyan (Passenger Station), Kurla, Dadar, Amla, Byculla, Poona, etc., as Station Masters and Guards?

(c) Will Government be pleased to furnish a list of names of the Goanese on the Great Indian Peninsula Railway who have changed their British names to get into the "A" grade European scale?

**Mr. P. R. Rau:** (a) All the available information is contained in paragraphs 194-196 of Mr. Hassan's report on the representation of Muslims and other minority communities in the subordinate Railway Services, which is available in the Library of the House.

(b) I am sending a copy of the question to the Agent of the Great Indian Peninsula Railway and shall lay a further reply on the table in due course.

(c) Government have no information and regret they are unable to collect it in view of the time and labour involved.

**Lieut.-Colonel Sir Henry Gidney:** With all respect to the Goanese community and with no desire to raise a communal issue, will Government inform this House whether Goanese are Indian British subjects or are they Portuguese subjects?

**The Honourable Sir Joseph Bhore:** I should like to have notice of that question.

**Lieut.-Colonel Sir Henry Gidney:** Thank you; I fully expected that reply. Are the Goanese foreigners?

**The Honourable Sir Joseph Bhore:** I am afraid I cannot distinguish that question from the last.

**Lieut.-Colonel Sir Henry Gidney:** In view of the reply or rather no reply given by the Honourable Member, I will ask another Department of the Government of India if I may, the Home Department, to answer this question. Is it or is it not a fact that in 1914,—I think that was the year,—the Government of India in the Home Department, issued an order that no foreigners should be employed in any Government post without the special sanction of the Government of India in the Home Department? Moreover, as Goanese—I exclude those domiciled in India—have openly declared themselves as Portuguese subjects, I ask the Honourable Member in charge of the Home Department whether, if such an order exists, is it right to employ the Goanese in any Department of Government?

**The Honourable Sir Harry Haig:** The Honourable Member can hardly expect me without notice to carry in my mind whether a particular order was issued in the Home Department in the year 1914. If he will allow me an opportunity of consulting the records of the Home Department, I will later on give him an answer.

**Mr. K. Ahmed:** Is it a fact that many of the Goanese are living in the Indian cities and other places in British India from time immemorial and that they have become residents of India exactly like the Anglo-Indians and domiciled Europeans? (Laughter.)

#### AUXILIARY FORCE IN INDIA.

**406. \*Mr. Goswami M. R. Puri:** Will Government be pleased to state:

- (a) the number of men in the Auxiliary Force, India,
- (b) the cost of the upkeep of the same, and
- (c) whether there are any Goanese in the rank and file of the same?

**Mr. G. R. F. Tottenham:** (a) The strength of the Force is approximately 29,000 of all ranks.

(b) The annual expenditure is about Rs. 78 lakhs. A reduction of Rs. 15 lakhs is anticipated if the Auxiliary Force (Amendment) Bill is passed into law.

(c) Goanese are not eligible for enrolment in the Force.

**Lieut.-Colonel Sir Henry Gidney:** Considering the fact that the Auxiliary Force is meant entirely for European British subjects, is the Honourable Member aware of the fact that many representations have been made to him that there are today many Goanese in its rank and file?

**Mr. G. R. F. Tottenham:** I was quite unaware of that fact, Sir.

**Lieut.-Colonel Sir Henry Gidney:** Will the Honourable Member be good enough to make inquiries and ascertain the fact?

**Mr. G. R. F. Tottenham:** Certainly, Sir.

**Dr. Ziauddin Ahmad:** May I know if the Goanese who serve in the Railway or Military services of the Government of India are required to take certificates of naturalisation?

**Mr. G. R. F. Tottenham:** I should like to have notice of that question.

**Mr. H. P. Mody:** Is the Honourable Member aware that the Goanese are more important to the general community as controllers of our households and kitchens than Anglo-Indian guards and firemen on the Railways?

#### SUPPLY OF WARM CLOTHING TO THE AUXILIARY FORCE IN INDIA.

**407. \*Mr. Goswami M. R. Puri:** Will Government be pleased to state whether the Auxiliary Force, India, is supplied with warm clothing in the winter to protect themselves when they proceed on military duty at the camp of exercise which is held in the winter season?

**Mr. G. R. F. Tottenham:** Yes. Jerseys and greatcoats may be issued on the authority of the District Commander.

**EMPLOYMENT OF MUSLIMS IN THE CLERICAL STAFF OF THE BALUCHISTAN POSTAL DIVISION.**

408. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Will Government be pleased to state how many vacancies in the clerical staff occurred in the Baluchistan Postal Division during the years 1929 to 1931?

(b) How many of them were given to Muslims and how many to non-Muslims?

(c) If none was given to Muslims, was there a majority of Mussalmans in the department concerned and who is responsible for not observing the Government orders issued in Home Department Memo. No. F.-176/25-Ests., dated the 5th February, 1926, and what action do Government propose to take in the matter?

(d) Is it a fact that the officer in charge has now been appointed as Assistant Director, Posts and Telegraphs, Karachi, in which post he will control the whole recruitment in Sind and Baluchistan Circle?

(e) Are Government prepared to transfer him to some other circle and replace him by a Muslim or European officer to safeguard Muslim interests; if not, why not?

**The Honourable Sir Frank Noyce:** (a) Four of which one was not filled up.

(b) None to Muslims, two to Hindus and one to a Sikh.

(c) The reply to the first part is in the affirmative assuming that by "the department concerned" the Honourable Member means the 'Baluchistan Postal Division'. As regards the 2nd part, Government orders referred to by the Honourable Member have been duly observed. The third part does not, therefore, arise.

(d) and (e). Do not arise.

**INADEQUATE EMPLOYMENT OF MUSLIMS IN THE CLERICAL CADRE OF THE KARACHI GENERAL POST OFFICE.**

409. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Will Government be pleased to state whether it is a fact that during the years 1929 to 1931, 16 vacancies in the clerical cadre including two of lower grade clerks occurred in the Karachi General Post Office?

(b) Is it a fact that out of these 16 vacancies, only two were given to Muslims?

(c) If so, do Government consider that their orders conveyed in Home Department Memorandum No. F.-176/25-Ests., dated the 5th February, 1926, have properly been observed? If not, what action do Government propose to take in the matter?

**The Honourable Sir Frank Noyce:** Information has been called for and a reply will be laid on the table in due course.



**APPOINTMENT OF A MUSLIM AS HEAD CLERK, CORRESPONDENCE, IN THE  
KARACHI GENERAL POST OFFICE.**

410. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Will Government be pleased to state since when the appointment of Head Clerk, Correspondence (Selection Grade), of the Karachi Head office was created?

(b) Is it a fact that this post has always been held by non-Muslims?

(c) If the reply to part (b) be in the affirmative, are Government prepared to appoint a suitable Muslim to safeguard Muslim interests?

**The Honourable Sir Frank Noyce:** (a), (b) and (c). Government have no information and do not consider it necessary to call for it as the post in question is not filled on communal considerations and it is no part of the duty of the incumbent to safeguard the interests of any particular community.

**MEAGRE REPRESENTATION OF MUSLIMS IN THE ACCOUNTS AND  
CORRESPONDENCE BRANCHES OF THE KARACHI GENERAL POST OFFICE.**

411. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Will Government be pleased to state the number of Muslim and non-Muslim clerks working in the accounts and correspondence branches of the Karachi General Post Office? Is it a fact that Muslims are not adequately represented?

(b) If so, is it a fact that applications of Muslim staff for appointments in these branches have constantly been refused?

(c) Will Government be pleased to state the reason for doing so, and are they prepared to issue orders for an adequate representation of Muslims in these branches in future?

**The Honourable Sir Frank Noyce:** (a), (b) and (c). Government have no information and do not consider it necessary to call for it since postings of officials in the different branches of an office are not made on the basis of communal representation. Government are not prepared to order any deviation from the normal procedure in the interests of any particular community.

**Mr. Lalchand Navalrai:** Will the Honourable Member be pleased to say if a Hindu official can safeguard the interests of a Muhammadan and a Muhammadan official can safeguard the interests of Hindus?

**The Honourable Sir Frank Noyce:** That, Sir, I am glad to say, broadly speaking, has been my experience since I took charge of this Department.

**APPOINTMENT OF A NON-HINDU AS ASSISTANT DIRECTOR OF POSTS AND  
TELEGRAPHS IN SIND.**

412. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Is it a fact that the Director, Posts and Telegraphs, Karachi, and Assistant Director, Posts and Telegraphs, in Sind are both Hindus?

(b) Is it also a fact that on making the premature transfer of Mr. Mahomed Saidullah, the late Assistant Director, and thereby making room for Mr. Giandev, the present Assistant Director, Messrs. K.

B. Mahomed Ayub Khukro, M.L.C., and Shaikh Abdulmajid, M.L.C., of Sind protested to the Director General against this action of the Hindu Director, Posts and Telegraphs? And, if so:

- (i) what action did the Director General take in the matter; and
- (ii) are Government aware that Sind and Baluchistan is predominantly a Muslim province, and are Government now prepared to transfer Mr. Giandev to some other circle and replace him by a Muslim or a European officer to look after Muslim interests?

**The Honourable Sir Frank Noyce:** (a) Yes.

(b) (i) Mr. Saidullah was transferred in the interests of the administration and not in order to make room for Mr. Giandev. On receipt of communications on this subject from certain Muhammadan gentlemen, including those mentioned by the Honourable Member, the Director General personally examined the case and satisfied himself that there were no grounds for interfering with the order of transfer.

(ii) The reply to the first part of this question is in the affirmative and to the second part in the negative; in this connection the Honourable Member's attention is invited to the reply given to part (d) of his starred question No. 1672 on December the 14th, 1932. I may add that it is no part of the duty of an Assistant Director to look after the interests of any one community in particular.

#### LICENSING OF NEW LIQUOR SHOPS IN NEW DELHI.

**413. \*Sardar Sant Singh:** (a) Has the attention of Government been drawn to a note published in the *National Call* of the 25th January, 1933, on page 6, column 6, under the heading 'Glut of liquor'? If so, is it a fact that new liquor shops are to be licensed in New Delhi? If so, how many? How many licences for the sale of foreign and country liquor are already in existence? What is the need of new licences?

(b) Are Government aware that feeling against the grant of new licences for sale of liquor is very strong and that the popular demand is to reduce the number of such shops rather than to increase them?

**The Honourable Sir George Schuster:** Government have seen the note. The statistics asked for by the Honourable Member are being collected and will be laid on the table in due course.

#### DETENTION OF STATE PRISONER FAZAL ELAHI IN THE MUZAFFAR GARH SUB-JAIL.

**414. \*Sardar Sant Singh:** (a) Is it a fact that one Fazal Elahi, Qurban, is detained in Muzaffar Garh Sub-Jail as a State Prisoner, since the 27th August, 1930? If so, has he been informed of the charges which led to his arrest and detention? Has his explanation been called for?

(b) If the answer to part (a) be in the negative, is it not a fact that according to rules made under Regulation III of 1818, the case of such persons is placed before judicial officers within six months of their arrest? If so, why Fazal Elahi's case has not been referred to such officers for their opinion? If it has been referred, what was the opinion of such officers? Was any explanation called for from the prisoner?

(c) Is it a fact that Fazal Elahi is suffering from some trouble in the right side of his abdominal region and that a stiff cord has been formed which disease has not been diagnosed by the local medical men? Is it a fact that the Deputy Commissioner of the District was informed of it by the prisoner? Is it also a fact that the Deputy Commissioner has not cared to send any reply and that no steps have been taken to help the prisoner? If so, what steps do Government propose to take to relieve this trouble of the prisoner?

**The Honourable Sir Harry Haig:** (a) and (b). Fazal Elahi has been detained as a State Prisoner since the 28th August, 1930.

There are no rules made under Regulation III of 1818, requiring the submission to judicial officers of cases of persons detained under that Regulation, and no such action has been taken in this case.

(c) The State Prisoner complained last month of some abdominal trouble, but the Civil Surgeon was unable to discover anything wrong with him. The Local Government have already made arrangements to obtain the opinion of a second doctor with a view to suggest future treatment for the prisoner.

#### NON-DELIVERY OF CERTAIN BOOKS SENT FOR FROM LONDON BY STATE PRISONER FAZAL ELAHI.

415. **\*Sardar Sant Singh:** Is it a fact that Fazal Elahi, Qurban, a State Prisoner, sent for certain books on Socio-Economical subject from London after obtaining permission from the Inspector General of Prisons? Is it a fact that books have come, but have not been delivered to the prisoner? If so, why? Is it a fact that these books have not been kept in the prisoners' private property as "objectionable literature"?

**The Honourable Sir Harry Haig:** With your permission, Sir, I will reply to questions Nos. 415, 416 and 417 together. I am ascertaining the facts from the Local Government and will lay a statement on the table in due course.

#### AREA OF THE WARD IN WHICH STATE PRISONER FAZAL ELAHI IS KEPT.

†416. **\*Sardar Sant Singh:** Is it a fact that the ward in which Fazal Elahi, a State Prisoner, is kept is too small? How many detenues are living in this ward? What is its area? Is the ward big enough to allow strolling? What exercise is provided for the detenues?

#### LATE DELIVERY OF CORRESPONDENCE OF STATE PRISONERS IN THE MUZAFFAR GARH SUB-JAIL.

†417. **\*Sardar Sant Singh:** Is it a fact that the correspondence of the State Prisoners in Muzaffar Garh Sub-Jail is delivered to them after the lapse of a month or so? If so, why?

#### CONSTITUTION OF BALUCHISTAN INTO A GOVERNOR'S PROVINCE.

418. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Will Government be pleased to state whether their attention has been drawn to a resolution passed by the All-India Baluch Conference recently held at Jacobabad on the 27th, 28th and 29th December, 1932, demanding that Baluchistan be constituted into a Governor's Province?

†For answer to this question, see answer to question No. 415.

(b) Are Government prepared to do so and thus fulfil the long cherished aspiration of the Baluch masses as well as of the Mussalmans of India? If not, why not?

**Mr. H. A. F. Metcalfe:** With your permission, Sir, I will answer questions Nos. 418 and 427 together.

The All-India Baluch Conference represented no body of public opinion in Baluchistan and Government see no necessity to take any action on its resolutions in this connection.

**PUBLICATION OF CONVENTIONAL AND TRADITIONAL LAW IN A BOOK-FORM FOR USE OF BALUCHISTAN OFFICIALS.**

419. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): Will Government be pleased to state whether they intend to publish the conventional and traditional law in a book-form so as to enable the officials of Baluchistan and *Jirgas* to conduct their activities in the light of conventional Statute Book, as demanded in the fifth Resolution of the All-India Baluch Conference?

**Mr. H. A. F. Metcalfe:** A "Manual of Customary Law" already exists and is at the disposal of officers dealing with cases which go before *jirgas*. This manual is regarded as authoritative on all questions of *riwaj* or custom and is consulted when occasion arises.

**MEASURES TAKEN IN RESPECT OF FEMALE EDUCATION, ETC., IN BALUCHISTAN.**

420. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): Will Government be pleased to state what measures they intend to take in Baluchistan in the matter of female education, as also to uplift the moral, educational, social, and economic advancement of the masses?

**Mr. G. S. Bajpai:** The 10 Girls' schools which already exist in Baluchistan are considered sufficient to meet the present demand for the education of women in the province.

**REDUCTION OF LAND REVENUE AND GRANT OF *TAKAVIS* TO AGRICULTURISTS IN SIND AND BALUCHISTAN.**

421. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Has the attention of Government been drawn to Resolution No. 20, passed by the All-India Baluch Conference, urging the authorities of Sind, Baluchistan and States Confederation of Baluchistan to reduce the land revenue charges by 50 per cent. for one year and to grant *takavis* to agriculturists, in view of the economical depression?

(b) What step do Government propose to take in the matter in respect of Baluchistan?

**Mr. G. S. Bajpai:** (a) Yes.

(b) Only five tahsils in Baluchistan pay land revenue in cash and the Local Administration is always ready to consider applications from these areas for remissions on their merits. In fact considerable remissions have

already been granted this year. Elsewhere in Baluchistan land revenue is paid in kind, being a fraction of the agricultural produce actually harvested. Consequently with a fall in the value of the produce the cash value of the share paid by the cultivators automatically decreases in the same proportion. Even so, cases of special Lardship receive generous consideration. As for *takavi* loans, the normal annual amount distributed has been augmented by roughly 75 per cent. this year.

**Mr. M. Maswood Ahmad:** What proportion of the produce is realised from these Baluchis?

**Mr. G. S. Bajpai:** I think, Sir, that it varies from Tahsil to Tahsil, and if my Honourable friend wishes to have detailed information, I shall collect it and supply it to him.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to lay on the table the information on this supplementary question?

**Mr. G. S. Bajpai:** If the House wishes the information to be laid on the table, I shall do so with pleasure.

**Sir Cowasji Jehangir:** What will it cost to get the answer to the supplementary question?

**Mr. G. S. Bajpai:** I should think that it will mean the reproduction of one whole chapter from the Land Revenue Manual of Baluchistan.

**Dr. Ziauddin Ahmad:** The Honourable gentleman in his reply might refer us to the particular chapter by mentioning the pages and the number of the chapter.

**Mr. G. S. Bajpai:** My Honourable friend raises that point in a supplementary question, and I hope the House will agree that it is impossible for me to carry references like that in my head.

#### DELETION OF THE SPECIAL CLAUSE OF THE FRONTIER REGULATION.

422. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): (a) Will Government be pleased to state whether their attention has been drawn to Resolution No. 22, passed by the All-India Baluch Conference, requesting that the special clause of the Frontier Regulation be deleted?

(b) If so, are Government prepared to consider the question whether it is advisable to delete the said clause?

**The Honourable Sir Harry Haig:** (a) Government have seen the resolution.

(b) The terms of the resolution are somewhat obscure. It is not clear what is meant by "special clause of Frontier Regulation". In any case the matter appears to be primarily for the consideration of the Government of Bombay, and the Conference has no doubt taken steps to bring it to their notice.

**APPOINTMENT OF A SELECTION BOARD FOR THE PURPOSE OF RECRUITMENTS  
TO GOVERNMENT DEPARTMENTS OF BALUCHISTAN.**

423. **\*Mr. M. Maswood Ahmad** (on behalf of Setl. Haji Abdoola Haroon): Are Government prepared to appoint a Selection Board, as has been demanded by the All-India Baluch Conference in their Resolution No. 24, for the purpose of recruitment to the Government Departments of Baluchistan and to see that every vacant post is properly advertised by the authorities when required to be filled in?

**Mr. H. A. F. Metcalfe:** The resolution expresses a desire that all Government appointments in Baluchistan should be filled by a Selection Board presided over by an official and consisting of eight members, of whom apparently only three would be nominated by Government. Government are not prepared to adopt the suggestion. Nor are they prepared to advertise every vacant post in Baluchistan Government service.

**Mr. M. Maswood Ahmad:** The Government have said that only three are nominated and that the total number is five. How are these five men taken in the Board or Committee.

**Mr. H. A. F. Metcalfe:** I do not think that the resolution explains that at all as far as I remember.

**Mr. Lalchand Navalrai:** What is the present system of recruitment in Baluchistan?

**Mr. H. A. F. Metcalfe:** I should like that question to be put a little more definitely. There are various posts in Baluchistan which are recruited in a variety of different ways.

**Mr. Lalchand Navalrai:** What about the Agent and other Commissioners relating to the Civil Administration?

**Mr. H. A. F. Metcalfe:** The Agent to the Governor General is selected by His Excellency the Viceroy. The other officers are taken from the Foreign and Political Department which is recruited in a manner which is known to the Honourable Member.

**Mr. Lalchand Navalrai:** How is the subordinate staff recruited?

**Mr. H. A. F. Metcalfe:** If the Honourable Member refers to the ministerial staff, I am afraid I must ask for notice of that question. I cannot give him any details.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to state in which papers these advertisements are published?

**Mr. H. A. F. Metcalfe:** I am not sure what advertisements the Honourable Member refers to.

**Mr. M. Maswood Ahmad:** There is in this question mentioned that every vacant post is properly advertised. I want to know in which papers it is advertised or whether it is not advertised at all?

**Mr. H. A. F. Metcalfe:** If posts are advertised at all, I imagine they would be advertised in papers published in the Punjab. I am not sure whether any papers are published in Baluchistan. I think that there are none.

**Dr. Ziauddin Ahmad:** Are these persons of the ministerial staff appointed by the Agent to the Governor General, or are they appointed by the relevant Department of the Government of India?

**Mr. H. A. F. Metcalfe:** It would depend entirely upon what the particular post was. I imagine that subordinate ministerial appointments are made in accordance with the rules laid down by the Agent to the Governor General. That would be purely in the Civil Administration. In other Departments which are directly administered by the Government of India, appointments would presumably be made in the ordinary way by the Government of India.

**Mr. Lalchand Navalrai:** Does the Honourable Member know that Sindhis are also recruited in the ministerial service in Baluchistan? Why should, therefore, advertisements be put only in the Punjab papers and not in Sind papers?

**Mr. H. A. F. Metcalfe:** I did not say that advertisements were published only in the Punjab papers. They are probably published in the Sind papers, but I have no definite information on the subject.

**Mr. S. C. Mitra:** What is the population of British Baluchistan? Is it only a few lakhs?

**Mr. H. A. F. Metcalfe:** The population of the entire province is 800,000. Of that province only a very small portion is strictly speaking British Baluchistan, since a greater part of it consists of either the Kalat State or what is known as the Agency Area.

**Mr. Muhammad Yamin Khan:** Are there no Baluchis available for appointment in Baluchistan, and is that the reason why Government take recruits from Sind?

**Mr. H. A. F. Metcalfe:** That is probably largely the case. But actually the term "Baluch" is applicable strictly only to a number which is about 175,000, of whom probably the greater portion is illiterate.

**Mr. S. C. Mitra:** Do Government consider it very unfair to recruit people from outside Baluchistan? As a matter of fact, a large portion of the expenditure for Baluchistan is met from the Central Revenues and not covered by the revenues realised in Baluchistan?

**Mr. H. A. F. Metcalfe:** The Honourable Member is asking for an opinion, which I am not prepared to give.

#### RECRUITMENT OF BALUCHIS IN THE POLICE AND MILITARY IN BALUCHISTAN.

424. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoolah Haroon): Are Government prepared to recruit in Baluchistan the police and the military in future purely from Baluchis as has been demanded by the All-India Baluch Conference in their Resolution No. 25? If not, why not?

**Mr. H. A. F. Metcalfe:** The resolution referred to by the Honourable Member reads as follows:

"The Conference demands that the recruitment of the Police and Militia should be purely from the Baluchis and not from the outsiders."

It is presumed that the mention of "Military" in the question is an error for "Militia". The Mekran Levy Corps and Chagai Levy Corps are at present recruited exclusively from Baluchis and Brahuis, but Baluchis are not considered suitable for employment in the Zhob Militia. Baluchis are eligible for recruitment in the Police service but few if any offer themselves for enlistment. Government are, therefore, not prepared to concede the demand made by the Conference.

#### SAFEGUARDING THE INTERESTS OF BALUCHIS IN THE RAILWAY AND POSTS AND TELEGRAPHS DEPARTMENTS OF BALUCHISTAN.

**425. \*Seth Haji Abdoola Haroon:** (a) Has the attention of Government been drawn to Resolution No. 32, passed by the All-India Baluch Conference, urging on Government that the interests of Baluchis should be safeguarded in the Railway and Posts and Telegraphs Departments of Baluchistan?

(b) If so, what action do Government propose to take in the matter?

**Mr. H. A. F. Metcalfe:** (a) Yes.

(b) The resolution referred to reads as follows:

"The Conference urges upon the Government of India that the railway, post and telegraph and all other departments which are under the Government of India should be either transferred to the Baluchi Government or the Government should safeguard the rights of the Baluchis."

The first alternative suggested is clearly impracticable since centrally administered departments cannot be partially provincialised for the benefit of one small province.

The second alternative is unintelligible, since the resolution does not state in what respects the rights of Baluchis should be safeguarded. Government accordingly do not propose to take any action on the resolution.

#### WAYS AND MEANS FOR EDUCATIONAL DEVELOPMENT IN BALUCHISTAN.

**426. \*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): What measures do Government propose to take with regard to Resolution No. 39, passed by the All-India Baluch Conference, suggesting ways and means for educational development by opening institutions, providing scholarships and making primary education compulsory in Baluchistan?

**Mr. G. S. Bajpai:** The Honourable Member's attention is invited to the reference to education in Baluchistan made by the Honourable the Education Member in his speech in the Council of State on the 3rd March, 1932, on a resolution moved by the Honourable Khan Bahadur Chaudri Muhammad Din. Government are alive to the educational needs of Baluchistan which Honourable Member may rest assured will receive sympathetic attention. The most urgent need of this area is for an Intermediate College at Quetta and Government will endeavour to meet it as soon as finances permit.



## ELECTION OF MEMBERS TO THE QUETTA MUNICIPALITY.

†427. **\*Mr. M. Maswood Ahmad** (on behalf of Seth Haji Abdoola Haroon): With reference to reply given by Mr. H. A. F. Metcalfe to starred question No. 1264 on the 16th November, 1932 (*vide* Legislative Assembly Debates, dated the 24th November, 1932, page 2470). what action do Government propose to take in the matter, in view of the All-India Baluch Conference Resolution No. 45 demanding that Municipal Commissioners be elected by votes in the Quetta Municipality?

## PUNJAB POSTAL CIRCLE OFFICE AND THE GOVERNMENT TELEGRAPH OFFICE, LAHORE.

428. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Has the attention of Government been drawn to pages 8, 9 and 11 of *The Muslim Advocate*, dated the 25th January, 1933, a weekly paper of Lahore?

(b) Have Government gone into the allegations contained in the said article?

(c) Will Government be pleased to state which of the allegations were found to be well-grounded and which of them groundless?

(d) What action, if any, have Government taken or propose to take to set matters right in the Punjab Postal Circle office and in the Government Telegraph Office, Lahore?

**The Honourable Sir Frank Noyce:** (a) Government have seen the article in question.

(b) No

(c) and (d). Do not arise.

## APPOINTMENT OF MUSLIMS IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

429. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Will Government be pleased to state whether the undermentioned vacancies occurred during the years 1929 and 1930 in Sind and Baluchistan Postal Circle and whether they were filled up as stated against them?

| Office or Division.           | No. of vacancies. | Filled up by— |         |            |
|-------------------------------|-------------------|---------------|---------|------------|
|                               |                   | Hindu.        | Muslim. | Christian. |
| (i) Quetta G. P. O. . . .     | 1                 | 1             | ..      | ..         |
| (ii) Baluchistan Division . . | 4                 | 4             | ..      | ..         |
| (iii) Karachi G. P. O. . . .  | 10                | 4             | 2       | 4          |
| (iv) Upper Sind Division . .  | 11                | 7             | 4       | ..         |
| (v) Lower Sind Division . .   | 14                | 8             | 6       | ..         |
| Total . .                     | 40                | 24            | 12      | 4          |

(b) If the figures stated in part (a) above are not correct, will Government be pleased to state the correct figures?

(c) Is it a fact that the rule reserving third vacancies for the members of minority communities was not observed in Sind and Baluchistan Circle?

†For answer to this question, see answer to question No. 418.

(d) Is it a fact that the Postmaster, Quetta, passed orders to "give two-third appointments to members of the majority community and one-third to members of any of the minority communities", viz., Muhammadans, Sikhs, Parsis, Indian Christians, etc.?

(e) Will Government be pleased to state whether any action was taken to cancel the orders referred to in part (d) above? If so, what?

(f) Will Government be pleased to state the names of the Postmaster and Town Inspector responsible for the issue of orders referred to in part (d) above?

(g) Is it a fact that the Muslim population in Sind is 77 per cent., and in Baluchistan 90 per cent. and 83 per cent. or thereabout in the Postal Circle?

(h) Will Government be pleased to state the percentage of Muslims in the postal clerical cadres including Selection Grades in Sind and Baluchistan Circle?

**The Honourable Sir Frank Noyce:** (a) On the presumption that the Honourable Member refers to vacancies in the clerical cadre, the reply is in the negative.

(b) A statement showing the correct figures is laid on the table. The totals are: vacancies 37 appointments; 22 Hindus, 11 Muslims, 1 Sikh and 3 Indian Christians.

(c) The fact is not as stated, as the Honourable Member will see from the figures just given.

(d) to (h). Information has been called for and will be placed on the table in due course.

*Statement.*

| Office or Division.             | No. of vacancies. | Filled up by |          |        |                    |                    |
|---------------------------------|-------------------|--------------|----------|--------|--------------------|--------------------|
|                                 |                   | Hindus.      | Muslims. | Sikhs. | Indian Christians. | Other communities. |
| (i) Quetta G. P. O. . . . .     | 1                 | 1            | ..       | ..     | ..                 | ..                 |
| (ii) Baluchistan Division . . . | 3                 | 2            | ..       | 1      | ..                 | ..                 |
| (iii) Karachi G. P. O. . . . .  | 12                | 7            | 3        | ..     | 2                  | ..                 |
| (iv) Upper Sind Division . . .  | 9                 | 6            | 3        | ..     | ..                 | ..                 |
| (v) Lower Sind Division . . .   | 12                | 6            | 5        | ..     | 1                  | ..                 |
| Total . . . . .                 | 37                | 22           | 11       | 1      | 3                  | ..                 |
|                                 |                   | 15           |          |        |                    |                    |

**EMPLOYEES OF THE POSTS AND TELEGRAPHS DEPARTMENT.**

490. \***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Will Government be pleased to state the names and full particulars of the employees of the Posts and Telegraphs Department with less

than 25 years service at their credit who have since been retrenched in the following tabular form?

| Name. | Designation. | Postal Circle. | Length of Service. | Reasons for Retrenchment. |
|-------|--------------|----------------|--------------------|---------------------------|
|       |              |                |                    |                           |

(b) Will Government be pleased to state which of the officials stated in reply to part (a) above appealed against their retrenchment and with what result?

(c) Will Government be pleased to state whether the appointments held by the officials stated in reply to part (a) above were all abolished or converted?

**Sir Thomas Ryan:** (a) and (b). Government regret that the information asked for is not readily available. In order to obtain it an expenditure of time and labour would be required which Government do not consider would be commensurate with the value of the result.

(c) It is an essential condition of the retrenchment rules that the holder of a post is not to be retrenched unless a post in what, for the purpose of these rules, is considered as being the same cadre, is either abolished or converted and Government have no reason to believe that these instructions are not being carefully followed.

#### DEPARTMENTAL OFFICIALS NOMINATED FOR THE SUPERINTENDENT'S EXAMINATION FROM THE CENTRAL POSTAL CIRCLE.

431. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Will Government be pleased to state the total number of departmental officials nominated for the Superintendent's Examination from the Central Postal Circle during the last 12 years?

(b) Is it a fact that only one Muslim departmental official was nominated for the Superintendent's Examination from the Central Circle during the last 12 years?

**The Honourable Sir Frank Noyce:** (a) and (b). The Honourable Member's attention is invited to the reply given to Mr. M. Maswood Ahmad's starred question No. 1493 on the 28th November, 1932.

#### COMMUNAL COMPOSITION OF THE STAFF IN SIND AND BALUCHISTAN POSTAL CIRCLE.

432. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Will Government be pleased to state whether the communal composition of the staff in Sind and Baluchistan Circle, given on pages 7 and 8 of the *Postal Advocate*, January, 1933, issue is correct, and, if not, will Government be pleased to state the correct figures?

(b) Is it a fact that the percentage of Muslim employees in Sind and Baluchistan Circle, with 83 per cent. Muslim population, is nearly 26 per cent. on the Postal side and 1.72 per cent. on the Telegraph side?

(c) Is it a fact that with the exception of 80—250 and 70—160 grade, with 1 Muslim out of 117, there is not a single Muslim in the other seven upper and lower scales on the Telegraph Traffic Branch in the said Circle?

**The Honourable Sir Frank Noyce:** I regret that I am not in a position readily to check the figures to which the Honourable Member refers; but I notice that they refer both to cadres to which direct recruitment is made and to cadres which are filled by promotion; whereas the orders of Government regarding the recruitment of members of minority communities refer only to the former.

The actual communal composition of any existing cadre is the result of recruitment over a great many years. If the Honourable Member is in possession of information indicating that either recently or at present recruitment has been or is being effected in a manner at variance with the Government orders bearing on this matter, and will furnish it to me, I shall be happy to make the necessary enquiries.

**TRANSFER OF THE POSTMASTER AND THE APPOINTMENT CLERK, SIMLA POST OFFICE.**

433. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Is it a fact that the Postmaster, Simla, and the Appointment Clerk, Simla, have both been transferred from their appointments? If so, why?

(b) Is it a fact that transfer of the officials stated in (a) above was due to the pressure brought to bear upon the Director General, Posts and Telegraphs, vide starred questions Nos. 1056 to 1058, dated the 9th November, 1932, of Bhai Parma Nand?

(c) Is it a fact that the Muslim Appointment Clerk has been replaced by a Hindu clerk?

**The Honourable Sir Frank Noyce:** (a) and (c). Government are aware of the transfer of the Postmaster, Simla, but have no information as to the transfer of the clerk referred to as the Appointment Clerk (a designation which was misleading and has been abolished).

(b) No.

**Mr. M. Maswood Ahmad:** Will the Honourable Member be pleased to state the reasons for this transfer?

**The Honourable Sir Frank Noyce:** The reasons were administrative reasons. It was considered desirable that the officer in question should be transferred, and I am not prepared to explain further than that. One point that I should like to emphasise is that the transfer had nothing whatever to do with any pressure brought to bear on the Director General. Neither I nor the Director General can be subjected to any pressure in matters of this kind.

COMMUNAL COMPOSITION OF SORTERS AND PORTERS IN CERTAIN  
RAILWAY MAIL SERVICE DIVISIONS.

434. \*Mr. M. Maswood Ahmad (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Will Government be pleased to state the number of (i) Hindu, (ii) Sikh and (iii) Muslim R. M. S. sorters and porters in the D. and L. Divisions, separately?

(b) Is it a fact that Sikhs and Hindus are over represented in the cadres of sorters and porters in the D. and L. Divisions on population basis?

(c) Is it a fact that Muslims who are 56 per cent. in population are very inadequately represented in the cadres of R. M. S. sorters and porters in the D. and L. Divisions? Was there any order of Major Angelo about this with regard to the recruitment of Muslims?

(d) Will Government be pleased to state the communal composition of R. M. S. sorters and porters in the C. Division?

(e) Will Government be pleased to state the communal composition of the number of candidates on the waiting list of R. M. S. sorters and porters in the C., D. and L. Divisions?

(f) Is it a fact that enlistment of candidates of the majority community in the C., D. and L. Divisions, *vide* (e) above, shall perpetuate preponderance of only one community, which is against Government policy indicated by Sir Malcolm Hailey in 1923, on behalf of the Government of India in the Legislative Assembly?

**The Honourable Sir Frank Noyce:** (a) to (f). I am not in possession of the information for which the Honourable Member asks, but would refer the Honourable Member to the latter part of my reply to question No. 432.

REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE DIRECTOR GENERAL  
OF POSTS AND TELEGRAPHS.

435. \*Mr. M. Maswood Ahmad (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) With reference to reply to starred question No. 182, dated the 26th September, 1932, will Government be pleased to state whether the Director General, Posts and Telegraphs requisitioned for candidates belonging to the minority communities, while addressing the Public Service Commission on the subject and, if not, why not?

(b) Will Government be pleased to state the number of clerical vacancies in the office of the Director General, Posts and Telegraphs, filled up by candidates sent by the Public Service Commission according to communities?

(c) Will Government be pleased to state the existing clerical vacancies in the office of the Director General, Posts and Telegraphs, and whether Government are prepared to take steps to secure increased representation of Muslims in filling up the vacancies?

**The Honourable Sir Frank Noyce:** (a) Yes; the latter part does not arise.

(b) Hindus 10, Muslims 4, Anglo-Indians 2 and Indian Christian 1; of these 2 Hindus, 1 Muslim and 1 Anglo-Indian have since left the Department.

(c) Ten. The Government orders regarding the representation of minority communities, including Muslims, will of course be observed in recruiting for these vacancies.

**RECRUITMENT OF SONS AND NEAR RELATIVES OF POSTAL EMPLOYEES IN THE POST OFFICES.**

436. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Will Government be pleased to place on the table the revised instructions issued by the Director General, Posts and Telegraphs, about the recruitment of the sons and relations of postal employees, *vide* reply to starred question No. 718, dated the 23rd September, 1932?

(b) Are Government aware that in view of the overwhelming majority of the members of only one community in the Posts and Telegraphs Department, the sons and near relatives of the said employees will further swell the numbers of that very community, if recruited?

(c) Are Government aware that for want of definite ratios for various communities, the majority community has been unduly benefited and will be further benefited if the instructions of the Director General are followed?

(d) Will Government be pleased to state whether it is under contemplation to devise means whereby in the future recruitment all communities should get their due share?

**The Honourable Sir Frank Noyce:** (a) The instructions referred to in the reply to question No. 718, dated the 23rd September, 1932, were in the first instance issued to the Postmaster-General, Bengal and Assam only; they were subsequently incorporated in the Director-General's letter to all Heads of Circles No. Es.-B.-214-6/32, dated the 23rd December, 1932, on the subject of preference to be given to certain categories of persons including sons and relations of employees in recruitment to the Posts and Telegraphs clerical cadres. A copy of this letter is laid on the table.

(b) No, as the preference to be given is subject to the observance of the orders regarding communal representation as will be seen from the Director-General's letter referred to in the reply to part (a) of this question.

(c) As regards the first part of this question, Government are not prepared to express any opinion. The reply to the second part is in the negative.

(d) As has been repeatedly stated in this House, the Government of India have already accepted the principle that there should be no undue preponderance of any community in the public services under their control. The question whether the orders so far issued to achieve this end require modification is under examination.

No. Es. B.-214-6/32.

## INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

From

The Director-General of Posts and Telegraphs,

To

All Heads of Circles including the Director of Posts and Telegraphs, Sind and Baluchistan,

The Director of Wireless,

The Electrical Engineer-in-Chief, Alipore, Calcutta,

The Controller of Telegraph Stores, Alipore, Calcutta,

The Superintendent of Telegraph Workshops, Calcutta,

The Accounts Officer, Telephone Revenue, Stores and Workshops, Alipore, Calcutta,

The Superintendent of Postal Seals, Aligarh.

New Delhi, the 23rd December, 1932.

SUBJECT :—*Order of preference to be observed in the recruitment for the clerical service.*

SIR,

I am directed to say that the Director-General will be glad if the following order of preference is observed by recruiting officers as far as possible in direct recruitments to the clerical service, due regard being, of course, paid to the fulfilment of the prescribed conditions regarding the fitness and suitability of recruits and to the observance of the orders regarding the adjustment of communal inequalities :

- (1) Retrenched junior permanent clerks with satisfactory records.
- (2) Sons and dependents of officials who have lost their lives (e.g., by murder or as a result of attack by dacoits, etc.), in the performance of their duty.
- (3) Dependents of deceased officials.
- (4) Dependents of retrenched or retired officials of the Department.
- (5) Dependents of serving officials.
- (6) Outsiders.

2. \* This disposes of your letter No. SB/R.-181, dated the 15th November, 1932.

I have the honour to be,

SIR,

Your most obedient servant,

J. R. T. BOOTH,

Senior Deputy Director-General.

No. Es. B.-214-6/32.

Copy forwarded to the General Secretary, All-India (including Burma) Postal and Railway Mail Service Union, Delhi, with reference to his letter No. A. I.-6/X, dated the 20th August, 1932.

MOHD. AL HASAN,

Asstt. Deputy Director-General.

NEW DELHI;

The 23rd December, 1932.

\*For P. M. G., Punjab, only.

**COMMUNAL COMPOSITION OF THE INSPECTORS OF POST OFFICES AND INSPECTORS OF RAILWAY MAIL SERVICE.**

487. \***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Will Government be pleased to state circle by circle the communal composition of the Inspectors of Posts Offices and Inspectors of R. M. S.?

(b) Is it a fact that candidates for Inspectors' Examination are nominated regardless of seniority by Postmasters General?

(c) Will Government be pleased to state whether they are prepared to see that Muslim candidates are nominated for Inspectors' Examination in a larger number compared with candidates of majority community in order to secure adequate representation of Muslim Inspectors?

**The Honourable Sir Frank Noyce:** (a) A statement is laid on the table, showing the communal composition of the staff of Inspectors of Post Offices and of Railway Mail Service, as it stood on the 31st March, 1932, which is the latest date for which accurate figures are in possession of Government.

(b) Yes, candidates are selected under regulations bearing on their fitness for the work to be done, and not on considerations of seniority.

(c) No, Government do not propose to introduce communal considerations into the regulations.

*Statement.*

| Name of Circle.      | Euro-<br>pean. | Anglo-<br>Indian. | Hindu. | Muham-<br>madan. | Other<br>classes. | Total. |
|----------------------|----------------|-------------------|--------|------------------|-------------------|--------|
| Bengal and Assam     | ..             | ..                | 86     | 2                | 1                 | 89     |
| Bihar and Orissa     | ..             | ..                | 35     | 3                | ..                | 38     |
| Bombay               | ..             | 1                 | 50     | ..               | 6                 | 57     |
| Burma                | ..             | ..                | 8      | 1                | 8                 | 17     |
| Central              | ..             | ..                | 35     | 11               | ..                | 46     |
| Madras               | 1              | 3                 | 63     | 3                | 4                 | 74     |
| Punjab and N.-W. F.  | ..             | ..                | 50     | 29               | 9                 | 88     |
| Sind and Baluchistan | ..             | ..                | 10     | 6                | ..                | 16     |
| United Provinces     | ..             | 1                 | 40     | 10               | 1                 | 52     |

**RETRENCHMENT IN THE CALCUTTA GENERAL POST OFFICE AND THE BENGAL AND ASSAM POSTAL CIRCLE.**

488. \***Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) With reference to replies to starred questions Nos. 534, 536, 540, 543 and 544, dated the 21st September 1932, will Government be pleased to state separately the number of appointments on the 31st December, 1926, and the number of Muslims in each cadre separately?



(b) Will Government be pleased to state the total number of permanent vacancies separately for each cadre referred to in the replies to the questions mentioned above and the number given to Muslim candidates in each cadre separately?

(c) Will Government be pleased to state whether the rule, reserving third vacancies for members of minority communities, was not observed in the Calcutta General Post Office and Bengal and Assam Circle?

(d) If the reply to part (c) above be in the affirmative, will Government be pleased to state whether the small number of Muslim employees are proposed to be spared from retrenchment and whether they are prepared to take action against non-observance of orders?

**The Honourable Sir Frank Noyce:** (a), (b) and (c). I regret that I am not in possession of the information for which the Honourable Member asks, but I would refer in this case also to the second part of the reply which I have just given to question No. 432.

(d) Government regret that they cannot undertake to modify their existing orders regarding the manner in which retrenchment should be effected.

#### PRINCIPLE FOR RETRENCHMENT OF PERSONNEL ON COMMUNAL BASIS.

439. **\*Mr. M. Maswood Ahmad** (on behalf of Mr. Muhammad Anwar-ul-Azim): (a) Will Government be pleased to state whether the principle for retrenchment of personnel on communal basis was enunciated by the Finance Department of Government?

(b) Is it a fact that according to the said formula, Government servants belonging to minority communities with less service were retrenched whereas those of majority community with more service retained?

(c) Is it a fact that due to this formula, Government servants belonging to minority communities have almost been swept clean from the senior positions, leaving members of the majority community exclusively eligible for promotion according to seniority lists?

(d) Is it a fact that Government never intended to adhere so rigidly to the said formula so far as minorities were concerned, particularly in the cadres in which the percentage of minorities was already below the requisite standard?

(e) Are Government prepared to review the said formula?

**The Honourable Sir Harry Haig:** (a) The orders issued in regard to retrenchment of personnel made it clear that as far as practicable the existing ratio between the communities in each category of service should be maintained. Retrenchment was to be effected; firstly, by the acceptance of voluntary resignations or retirements, secondly, by the discharge of inefficient officers, and, thirdly, by the discharge of selected officers in a certain order based on the length of service.

(b) This has happened in some cases.

(c) I am unable to accept this as a correct statement of the position, and I would refer the Honourable Member to the statement laid on the table in reply to starred questions Nos. 504, 155 and 440 on the 24th February, 8th September and 19th September, 1932, respectively, regarding the effect of retrenchment on the communal composition of the staff of the various departments of the Government of India Secretariat.

(d) The object of the orders was to provide a reasonable principle in accordance with which all communities would receive fair treatment in the process of retrenchment.

(e) I am not aware of any grounds that would justify a revision of the formula.

**Dr. Ziauddin Ahmad:** May I ask whether the function of the Government is limited to issuing orders or whether seeing them carried out is also included in the function of the Government?

**The Honourable Sir Harry Haig:** So far as the Home Department is concerned, their main task is to see that the orders are issued, but it is the responsibility of the other Departments to see that they are properly carried out.

**Dr. Ziauddin Ahmad:** The function of the Home Department is simply to issue orders?

**The Honourable Sir Harry Haig:** I did not say that it was their sole function, but primarily it is the duty of the other Departments to see that the orders are carried out in the proper spirit.

#### SHORT NOTICE QUESTION AND ANSWER.

##### REPORT OF THE TARIFF BOARD ON THE COTTON TEXTILE INDUSTRY.

**Mr. H. P. Mody:** Will Government be pleased to state whether they propose to publish the report of the Tariff Board on the Cotton Textile Industry and to place proposals for the protection of that industry before the Legislative Assembly during its present Session?

**The Honourable Sir Joseph Bhoré:** The Tariff Board's Report was received later than Government had originally hoped and the pressure of urgent public business has left insufficient time for the full consideration by Government of a matter of such great importance and complexity. A final decision with regard to the Report has not yet been reached and it has, therefore, become necessary to take steps to meet the situation which will arise when the Cotton Textile Industry (Protection) Act, 1930, and the Notification under sub-section (5) of section 3 of the Indian Tariff Act, imposing increased rates of duty on cotton piecegoods not of British manufacture, expire on the 31st of March next. Government have accordingly decided to propose to the Legislature the extension up to the 31st October next of the aforementioned Act and Notification pending formulation of their decision in the matter of continued protection to the Cotton Textile Industry. I shall take the earliest suitable opportunity to introduce a Bill for the purpose I have indicated. In accordance with usual practice, the Report of the Tariff Board will not be published until a final decision has been taken by Government.

**Mr. B. Sitaramaraju:** Has the mill industry of Bombay any special claim on the Government of India for expediting this matter?

**The Honourable Sir Joseph Bhoré:** I did not quite follow the Honourable Member. Will he please repeat his question?

**Mr. B. Sitaramaraju:** Has the mill industry of Bombay any special claim on the Government of India for expediting this matter?

**Mr. H. P. Mody:** I will tell you all about it.

**The Honourable Sir Joseph Bhoré:** Does my Honourable friend think that I am proceeding with undue celerity in this matter?

**Mr. B. Sitaramaraju:** Did or did not the Tariff Board say that the inquiry which they were asked to make by the Government of India was very much limited in its scope?

**The Honourable Sir Joseph Bhoré:** Sir, I am not prepared to disclose anything as yet which is contained in the Report.

**Mr. Gaya Prasad Singh:** Do I understand the Government to say that they will put forward proposals in this Session even before the Report of the Tariff Board is published?

**The Honourable Sir Joseph Bhoré:** No, Sir; I am afraid my Honourable friend has misunderstood my reply. What I said was that proposals would be put before the Legislature during the current Session to continue the existing protection until Government were in a position to place before the Assembly new proposals as a result of examination of the Report of the Tariff Board.

**Mr. H. P. Mody:** Are Government prepared in the meantime to revise the scale of special duty imposed in August last if a case is made out to their satisfaction?

**The Honourable Sir Joseph Bhoré:** Sir, if a case is made out to their satisfaction and they are definitely of opinion that further protection is necessary, then they have the necessary powers and they will undoubtedly use those powers.

**Mr. H. P. Mody:** Thank you.

**Mr. S. C. Mitra:** Will Government consider the case of the consumers also so that there may not be any necessity for extending this privilege to the favoured few?

**The Honourable Sir Joseph Bhoré:** I can assure my Honourable friend that the interests of the consumers will be most carefully borne in mind by the Government.

**Mr. Gaya Prasad Singh:** Is it because my friend, Mr. Mody, has been persistently going round with his beggar's bowl that Government are extending this special privilege to the Bombay mill industry?

**Diwan Bahadur A. Ramaswami Mudaliar:** Does the Honourable Member realise that his statement that he will bring forward legislation to extend the operation of the Act till October, 1933, involves that the Tariff Board has recommended the continuance or perhaps the extension of the protection so far given to this industry?

**The Honourable Sir Joseph Bhoré:** My Honourable friend may draw any conclusion he likes.

**Mr. B. Das:** May I ask if this extension of six months protection to the Bombay mill industry is done in the interest of the Finance Member or it is done in the interests of the public at large?

**The Honourable Sir Joseph Bhoré:** I think my Honourable friend must realise that if we are not in a position to put revised proposals before this House at once, we could not allow the existing protection to lapse.

**Mr. B. Das:** May I ask the Honourable the Commerce Member whether he is personally satisfied that the Bombay millowners have satisfied the condition that Sir Frank Noyce laid down in his admirable Report?

**The Honourable Sir Joseph Bhoré:** I am not prepared to anticipate the decisions of the Government of India on the Tariff Board's Report.

**Mr. B. Das:** Was it not the first and essential duty of the Honourable Member before he extended the period to have satisfied himself that the Bombay millowners are not extravagant?

**The Honourable Sir Joseph Bhoré:** I have not yet extended the Act, Sir.

**Sir Cowasji Jehangir:** Will the Honourable Member please state what objection there is to publish the Tariff Board's Report even if Government have not come to a decision on the matter?

**The Honourable Sir Joseph Bhoré:** It is not the usual practice for the Government to publish such Reports in advance of their decisions, because there is always room for anticipatory action which may lead to evasion.

**Mr. S. C. Mitra:** In view of the fact that the consuming public is in a far worse position than a few millowners, will Government consider the desirability of publishing the Report of the Tariff Board so that the consuming public may place their views before the Government before they come to a final decision?

**The Honourable Sir Joseph Bhoré:** Sir, I will certainly consider how far it is possible to publish the Report in advance of the consideration of this question by this Assembly, so that a fair opportunity may be given to everybody to examine the question before definite proposals are put before the Legislature.

#### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly:** Sir, the following Message has been received from the Council of State:

"Sir, I am directed to inform you that the Council of State has, at its meeting held on the 20th February, 1933, agreed, without any amendments, to the following Bills which were passed by the Legislative Assembly at its meetings held on the 6th and 7th February 1933, namely:

1. A Bill to prohibit the pledging of the labour of children;
2. A Bill further to amend the Indian Marine Act, 1887, for a certain purpose;  
and
3. A Bill further to amend the Indian Forest Act, 1927, for a certain purpose."

## BILL PASSED BY THE COUNCIL OF STATE.

**Secretary of the Assembly:** Sir, in accordance with the provisions of rule 25 of the Indian Legislative Rules, I lay on the table a Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, which was passed by the Council of State on the 20th February, 1933.

### THE RAILWAY BUDGET—LIST OF DEMANDS.

#### SECOND STAGE.

#### *Expenditure charged to Revenue.*

##### DEMAND No. 1—RAILWAY BOARD.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways): Sir, I move:

"That a sum not exceeding Rs. 8,31,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1934, in respect of the 'Railway Board'."

**Mr. Lalchand Navalrai** (Sind: Non-Muhammadan Rural): Sir, I rise to a point of order. Last year a ruling was given by the Chair that when a cut like No. 1 stood in the names of Honourable Members, the discussion under the cut could be carried on only by those Members who desired that the whole demand should be rejected. In other words, only those Members, who were of the opinion that the whole of the Railway Board should be abolished, could move this cut in which it is asked that the demand under the head Railway Board be reduced to Re. 1. The ruling is already known to Honourable Members of this House and also to the Chair. That prescribed that if a Member had a grievance and he wished to draw the attention of the House only to that particular grievance, then the discussion on that could not take place under cut No. 1. It is only when the Member wishes on general principles and on general points that the Board should be abolished that he could discuss it on this motion. I think it is necessary to read a portion of that ruling which is given at page 1321 of the debates for 1932. This is what it says:

"Honourable Members are no doubt aware that cut motions are usually divided into three categories. One is to reduce the amount of the demand to a nominal figure of one rupee or less. Such motions are intended to refuse supplies for redress of grievances, and no motions of cuts of that character can be entertained except for that purpose. There are two ways of dealing with refusal of supplies with regard to each Demand. One is to oppose the whole grant and reject it; the other is to move a motion of reducing the Demand to a nominal figure. Motions for practical elimination of the whole grant cannot be moved for the purpose of drawing attention to any specific grievance."

Later on, it is stated:

"All motions for practical elimination of the whole Demand will be entertained on the only ground that the Honourable Member wishes to refuse supplies, because he does not approve of the whole policy underlying that Demand. In no other case such cut motions will be allowed."

My point of order now is that if the Chair agrees with this ruling, I wish to abide by the spirit of that ruling and to discuss the whole policy and ask for the elimination of the whole demand. In that case I should like to know whether the three Honourable Members whose names appear before me on this motion also wish to abide by the spirit of that ruling and ask for the elimination of the whole demand.

**Mr. Chairman** (Sir Hari Singh Gour): How does the Honourable Member distinguish his own cut from that of Mr. Ghuznavi's?

**Mr. Lalchand Navalrai**: My cut is plain enough. Mr. Ghuznavi's cut mentions "policy and administration". That does not make it clear whether it wants the whole grant to be taken away on the ground of drawing attention to certain grievances. In my cut I have asked for the abolition of the Railway Board. Of course, I have also referred to Divisional Offices, in the present form, being abolished; but that is only incidental in order to draw attention to certain points in connection with the abolition of the Railway Board. My cut is absolutely clear. I do want that the whole Demand should not be given to the Railway Board.

**Mr. Chairman** (Sir Hari Singh Gour): That is exactly what the Honourable Member wants. He should wait and hear Mr. Ghuznavi before he raises any objection.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official): May I rise to a point of order. Hitherto the practice has always been, and the House is trying to build up its own tradition, first to take those cuts which are the largest, and dispose of them before the one rupee cuts or the censure cuts are taken up. I do not say this with a desire to place my cut before the Honourable Member's but I simply want to bring to your notice that hitherto the practice has always been for the largest cut to be taken and disposed of, almost *en masse*.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): I should like to say that the largest cut is the cut which reduces the entire demand to rupee one, and the practice has been to give precedence to the largest cut, namely, the reduction of the demand to rupee one. You will recall that originally the practice was to move that the whole demand be omitted. Later on, owing to the advice of the Chair, it was suggested that a positive cut should be moved reducing the demand to rupee one instead of the negative motion for omission.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I think before the motion was moved at all, it was premature to raise any point of order. The House does not know in what way Mr. Ghuznavi will support his motion or even whether he will move it at all. A similar motion, exactly in the same form, stands in my name and I shall make it clear that I intend to move for the abolition of the Railway Board and I shall give my reasons for it.

**Mr. Lalchand Navalrai**: Last year the procedure adopted was that before a motion like this came up for debate, the Chair asked the Honourable Member moving the cut whether he was abiding by the spirit of the ruling which I have quoted. I request that the Chair should ask the Honourable Member what his intention is.

#### *General Policy and Administration of the Railway Board.*

**Mr. A. H. Ghuznavi** (Dacca cum Mymensingh: Muhammadan Rural): Sir, I beg to move:

"That the demand under the head 'Railway Board' be reduced to Re. 1."

[Mr. A. H. Ghuznavi.]

I think I shall be able to make out a case that the whole of the Railway Board should be scrapped. Its policy and administration does not justify its existence. Mismanagement and want of effective control and supervision have caused and are causing loss of lakhs and lakhs annually which have now run into crores. They have no imagination at all. Their short-sighted policy and thoughtless actions have led the Railways to the verge of bankruptcy. Let us remember what was the position years ago. In those years one President ran the whole show, just as the other Departments of the Government of India are run by their members. The administration of railways should be under a Department of the Government of India, such as the Home Department, or the Political Department or the Foreign Department which are run by a Member with a Secretary. Now, Sir, let us see what is this Board composed of. It has one Chief Commissioner drawing Rs. 5,000, one Financial Commissioner drawing Rs. 4,000 and four Members (it has now been reduced by one), five Directors,—goodness knows what they have been directing,—one Secretary, five Deputy Secretaries, one Assistant Secretary, six Superintendents, 96 Assistants, 15 Stenographers and 83 servants.

Well, Sir, I have just said that inefficiency and want of control are responsible for such losses running into crores. I shall take, Sir, with your permission, the coal purchase policy. (Hear, hear.) I showed yesterday that they have saved 20 lakhs this year on their coal purchases. I am not aware what quantity they have bought this year, but last year they bought 21,67,000 tons. If they bought about 22 lakhs tons this year, the saving of these 20 lakhs must have been due to the acceptance of the lowest tenders. Now, Sir, who is responsible for the loss of this 20 lakhs a year? Take the period during which the present Railway Board's Chief Mining Engineer has been conducting the purchases. I believe he has been purchasing for the railways, or put it as you like, for the Railway Board under his guidance since 1920. Now, for all these 12 years, if I take these figures as the basis of my argument, the public have been losing 20 lakhs a year. In 12 years, Sir, the figure would come to two crores 40 lakhs. But what about the good years when they bought between 30 and 40 lakhs of tons? What about the interest on this money that we have lost? Roughly calculating that, it will be amounting to a figure of nine crores. That is what the paper *Business* said. But, Sir, this loss is only on account of the coal purchased for the State Railways. What about the purchases for the Company Railways? They also employ the Railway Board and its Chief Mining Engineer to make their purchases. Last year the B., B. and C. I. Railway purchased four lakhs of tons. I have said that last year the M. and S. M. Railway purchased about four lakhs. They have been purchasing under the good advice and the efficient advice of the Railway Board's Chief Mining Engineer. Now, if the State Railways have been losing 20 lakhs a year, what have the Company Railways been losing? Take this as the basis that four lakhs of tons were purchased for the B., B. and C. I. Railway and four lakhs were purchased for the M. and S. M. Railway and two lakhs for the S. I. Railway; well, that comes to ten lakhs tons a year, and if, on 20 lakhs of tons, we have been able to save Rs. 20 lakhs a year, surely they would also have saved Rs. 10 lakhs. And this Rs. 10 lakhs a year, if you take it for the entire period of 12 years, would run up to one crore 20 lakhs. Then, what about

interest? Well, Sir, the B., B. and C. I., I know for a fact, after I raised a discussion last year in this House and again repeated it in September, have refused to accept the advice of the Chief Mining Engineer and have been making their purchases themselves this year.

Now, I shall show how the Railways have been able to save this 20 lakhs. Sir, last year I brought to the notice of the House the present system of coal purchase. I said, according to that system, this policy of the Railway Board is responsible for huge losses to the Railways, inasmuch as higher prices were given to the favoured tenders and that though coal of the same quality was tendered at lower prices by others, such tenders were not accepted. My Honourable friend, Mr. Jadhav, remarked: "Is it really true?" I replied, "Yes, and I will prove it". And I have proved it. There is a tabular statement here which I have prepared. There I have given the names of the collieries and the rates of the tenders which were accepted last year. Now, the same parties have been offering this year 12 annas to one rupee cheaper. My point is this. Last year they tendered at a certain rate. The table will show that that was accepted. This year they discovered that there is no more favouritism going on and that the lowest tender would be accepted and that that would be the only test, provided the coal was of the same grade and of the same quality and that no more higher prices would be given if lower prices were available.

**Mr. F. E. James** (Madras: European): You see the prices have also dropped.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City: Non-Muhammadan Urban): What was the lowest tender last year?

**Mr. A. H. Ghuznavi**: I will give you that also.

**Diwan Bahadur A. Ramaswami Mudaliar**: Please do.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): What is the main point you are trying to make?

**Mr. A. H. Ghuznavi**: My point is that they did not accept the lowest tender. They want to know, Sir, what is my point. My point is that I have been insisting upon the acceptance of the lowest tender and that, if they had accepted my advice and accepted the lowest tender, in respect of the same class of coal, they would have saved an enormous amount of money. The same graded coal was offered at lower rates, but they paid and would pay higher prices and accept the higher rates.

**Sir Cowasji Jehangir**: That is what you said last year?

**Mr. A. H. Ghuznavi**: Now, Sir, I will take European Companies only, so that there may be no doubts in our minds. I will take first Balmer Lawrie and Company. Last year they were given the price of Rs. 4-12-0 for their coal. May I ask, why did they offer their coal this year at Rs. 4-4-0? It was because they knew that unless their tender was the lowest, they would not get the contract. I am only proving it, least it may be said that the statement which appeared in the *Hindustan Times* is not correct. The Honourable Member did not say anything about it yesterday or I would not have submitted this again to the House.



**Mr. N. N. Anklesaria** (Bombay Northern Divisions: Non-Muhammadan Rural): Mr. S. C. Sen had completely answered the Honourable Member last year.

**Sir Cowasji Jehangir**: The Honourable Member proves nothing by saying that last year Government accepted a tender of Rs. 4-12-0 and this year the same firm has quoted Rs. 4-4-0 and Government have accepted it. By that he proves nothing. It may be that the price of coal has gone down. What I am trying to point out to the Honourable Member is that he must drive his point home. He has proved nothing up to now. What does he infer from that?

**Mr. A. H. Ghuznavi**: Your point is that the coal trade has gone down. I will show it to the House by quoting from the *Capital* that it has not gone down. What else can I do? Shares have not been quoted at a lower rate this year than they were quoted last year and they indicate the condition of the market.

**Sir Cowasji Jehangir**: Now you have got to prove that the market has not gone down and that this firm had to quote a lower rate because of your agitation and speeches in this House.

**Mr. D. N. O'Sullivan** (Bombay: European): He has demonstrated that the Railway Board must be done away with.

**Some Honourable Members**: We want a clearer demonstration!

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): But Mr. S. C. Sen should not be abolished along with the Railway Board.

**Sir Cowasji Jehangir**: Have the rates for coal gone down now? Prove that.

**Mr. A. H. Ghuznavi**: They have not gone down. I can only show it to you by a quotation from the *Capital*.

**Some Honourable Members**: You go on.

**Mr. Lalchand Navalrai**: I rise on a point of order, Sir. I would submit that if the Honourable Member is confining himself only to the grievances of the collieries, then his discussion does not come under the spirit of the aforesaid ruling.

**Mr. Chairman** (Sir Hari Singh Gour): The Honourable Member is perfectly right. It was laid down by the Honourable the President in a ruling given last year at page 1321 that grievances to be ventilated in connection with the grants under the Railway Budget may be sub-divided into three classes: First, attacking the general policy and administration of the Railway Board, in which case the whole grant is to be cut or reduced to a nominal figure of Re. 1 or Rs. 100. The second class of cuts confined to the redress of grievances may be tabled by a token cut. The third class draws the attention to specific and particular grievances. If the Honourable Member has a grievance with regard to the coal purchase policy of the Railway Board, his cut would fall under the second category

and not the first. If he wishes to attack the general policy and administration of the Railway Board under this head and gives the instance of coal purchase policy as only one illustration for that purpose, then he is perfectly in order.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce: Indian Commerce): I rise to a point of order, Sir. The Honourable Mr. Ghuznavi has tabled also three other cut motions, namely, Nos. 45, 46 and 47, and they relate to these specific questions. Cut No. 45 relates to coal purchase policy and cut No. 46 to the administration of railway collieries, which he is now ventilating. So, having regard to the fact that he has already tabled these specific motions, is he entitled now under the guise of this general clause to ventilate these specific grievances?

**Mr. Chairman** (Sir Hari Singh Gour): It all depends what the Honourable the Mover has in mind. He can use the question of the coal purchase policy to illustrate the general point he is making, namely, that the Railway Board has forfeited the confidence of the public. If he has done that and he is going to do that, he is perfectly in order. (Hear, hear.)

**Mr. A. H. Ghuznavi**: I will not take any further time of the House by going through all these details. But the test will be when the list will come out showing at what rates they have purchased. We shall be able to find out then that the lowest tender has been accepted. There may have been higher tenders, but we will see that they have not been accepted. I would not go through this list except in regard to one point that I wanted to place before the House. Even my Honourable friend, Mr. S. C. Sen, who got the contract last year at Rs. 3-8-0 was obliged to quote at Rs. 2-14-0 this year.

**Mr. S. C. Sen**: And even then he has not got it!

**Mr. A. H. Ghuznavi**: If he had quoted Rs. 3-8-0, he would not have got the contract: so he had to quote Rs. 2-12-0. That is the test that I am going to place before this House. Mr. Sen did realise that this year his friend would not come to his rescue as there was no longer the old favouritism and, therefore, he had to cut down the price of his tender to Rs. 2-14-0 from Rs. 3-8-0.

I will now take up another point to show why the Railway Board should be abolished. This point is about the shipment of coal by ship instead of by rail. Sir, the Railway Board is there to look after the interests of the Railways. What business have they, may I ask, to ship the coal to Madras for the M. & S. M. Railway and pay Rs. 14,80,000 to the foreign shipping firm?

**Mr. N. M. Joshi** (Nominated Non-Official): But if it is cheaper?

**Mr. A. H. Ghuznavi**: I think my Honourable friend, Mr. Joshi, was not here yesterday when I said that it was not cheaper and I demonstrated that fact; and even if it is cheaper, what right have you, sitting here, to deprive the Railways of their freight? Sir, in this connection I will read a letter from Sir Trevelyan Wynne. He says:

"I enclose the note regarding the loss to Government by sending Railway coal to Madras by the sea instead of by rail."

[Mr. A. H. Ghuznavi.]

Then he goes on to give the note which I have placed before the House already.

**An Honourable Member:** Why not read it?

**Mr. A. H. Ghuznavi:** Very well, I will read it. The note says:

"Recently tenders have been called for by the M. and S. M. Railway for 400,000 tons of coal to be delivered at Madras.

Tenders are to be made for—

|                     | Tons.     |
|---------------------|-----------|
| Railborne . . . . . | 215,000   |
| By sea . . . . .    | 185,000 " |

They have got their own collieries somewhere in the Central Provinces, so they get that by rail:

"Railway coal despatched to Calcutta for shipment to Madras is treated as export coal and a rebate of 37½ per cent. of the ordinary rate is given.

In addition, Steamship Companies are not bound to charge standard rates and can reduce them to any figure that will make the total cost of carriage of the coal by sea less than the carriage by rail.

From the point of view of the Government of India, which is very largely interested in both the B. N. Railway and the M. and S. M. Railway, carriage by sea, instead of by rail, even at a slightly lower cost by sea, is a dead loss.

For the carriage by sea actual cash has to be paid. If sent by rail, Government is saved the cash expenditure incurred by using the sea route.

For carriage over the B. N. Railway section of the route, the M. and S. M. Railway pays the B. N. Railway, but this payment, so far as Government is concerned, is only out of one pocket into another.

For the carriage of the coal over the M. and S. M. Railway from Waltair to Madras, the M. and S. M. Railway avoids expenditure in cash as the Railway pays the freight to itself and the actual cost of carriage is only the cost of the coal, oil and water used by the trains carrying it over the M. and S. M. Railway Company's line.

As regards the M. and S. M., coal for 1932-33, the financial effect of sending 185,000 tons of coal by sea, instead of by rail, is approximately as follows:—

Then, he gives these figures which show, as I have said, that by rail it would cost Rs. 13-2-0 and by sea, Rs. 11-7 0. But, as I have pointed out, 30 per cent. of the whole coal will be converted to dust by six times loading and unloading and will be wasted. That will make the rail freight cheaper than sea freight.

Then he goes on to say:

"It will be seen that of the rail *cum* sea rate, Rs. 8 lakhs represents a definite cash expenditure on the part of the Government of India and in the case of the M. and S. M. coal would amount of Rs. 14,80,000. The all rail route, although Rs. 1-11-0 per ton more than the rail *cum* sea route, does not involve any cash expenditure on the part of the Government of India except the comparatively insignificant sum on the coal, oil and water consumed on the journey."

Then, Sir, what about the South Indian Railway? There you find the same thing,—shipping, and putting lakhs and lakhs into the pockets of the British India Steam Navigation Company and the Railways are losing their freight, and the Railway Board is here, enjoying the bracing climate of Delhi and Simla. Now, Sir, bear this in mind; this shipment business

has been going on for the last 12 years. Even assuming that this has been the quantity they wanted every year, which is not a fact, because, in better years, they must have required much more coal, the Railways have been losing freight to the tune of Rs. 14,80,000 a year which, for the last 12 years, works up to two crores. Thanks to the Railway Board, they have made the Railways lose two crores during the last 12 years.

**Mr. K. O. Neogy:** What would Lord Inchcape have said if they did not do it?

**Mr. A. H. Ghuznavi:** My Honourable friend, Sir Joseph Bhore, is not only the Railway Member, but he is also the Commerce Member, and that is the trouble. That is the reason why we did not get the Dacca-Aricha line.

Then, Sir, I will take the rates, not the surcharge, but the extraordinary freight they have put on coal. The coal required in Madras for trade, for the public and for others, excepting the Railways, is a very huge quantity, which, I am told, is 20 to 30 lakhs tons. They are shipped. If they lower the freight, they can carry this coal by rail to Madras. The same thing also applies as regards Bombay. Coal is being sent from Calcutta to Bombay by sea. If they reduce their freight, they can capture the freight again. And, as I have shown, it does not cost them anything at all at the moment, because they have nothing to carry. They are simply adding to the unemployment. Why not reduce the rate and get back the freight and recover the losses. It is no use sitting here and passing confidential circulars as to what to do and what not to do.

Then, Sir, I will come to the losses in the railway stores. Yesterday I gave the House the figures—how the Public Accounts Committee discovered that there were 54 lakhs of stocks in the stores not shown in the books. I believe, five years ago, Mr. C. A. Meade, Controller of Stores, Eastern Bengal State Railway, had retired and, just at the time of his retirement, Mr. Hayman wanted to appoint him to go through these stores business in the E. I. Ry., and he was there for three years. I have heard from him that he found that obsolete stores worth crores were lying in stock useless. On the top of that, you have this report that 54 lakhs worth of stock is not shown in the Books at all. If that was so in the E. I. Ry., what would be the condition of the stores purchased throughout all the Railways. This is only one instance of the E. I. Ry. Honourable Members are aware—and particularly my friend, Dr. Ziauddin Ahmad, who raised, I believe, a debate either by a Resolution or by a question—about the Hayman-Mohindra punch. I should like to say that amongst Honourable Members here I travel the most, almost every month, and one very high official of the Railways told me that they had got to buy the Hayman-Mohindra punch which would last them for the next two hundred years. In order to popularise the sale of the Hayman-Mohindra punch, it was found that the crew system was the best system in the world for checking the tickets. So a very large number of crews were appointed with the consequential acceleration of the sale of the Hayman punch, and, after the completion of the sale, the crew system now is not found to be good. I pity the poor crews and ticket checkers who have to carry with them this heavy bulky punch weighing about 2½ seers. I am not sure whether the Hayman-Mohindra Company have also a share in the Little's Oriental Balm. These poor wretched fellows—the ticket collectors—no longer

[Mr. A. H. Ghuznavi.]

crews—have to carry in their right hand that heavy punch and it aches them and so they must be applying Little's Oriental Balm to alleviate the pain.

**Mr. S. C. Sen:** Does the Stores Department buy Oriental Balm?

**Mr. A. F. Ghuznavi:** Why should they buy Oriental Balm? They should buy the Hayman punch and nothing else.

Then, Sir, I said yesterday that the East Indian Railway and the Eastern Bengal State Railway had their offices situated across the street. One could understand it while the Eastern Bengal State Railway was a State Railway and the East Indian Railway was a Company Railway. But what is there now not to be able to amalgamate the two Railways and save, as was pointed out by my Honourable friend, Sir Henry Gidney, yesterday, between 30 and 40 lakhs of rupees? The two lines taken together will be much less than the North Western Railway line mileage. Why should you have two Agents, two Chief Medical Officers at this time of much needed economy? Mr. Hannay, who has the experience of the East Indian Railway, had been with the Eastern Bengal State Railway and he has also the experience of the Railway Board work. Dr. Sir Hasan Suhrawardy, the Chief Medical Officer of the Eastern Bengal State Railway, has also worked as the Chief Medical Officer of the East Indian Railway, and he has got both the experience. Therefore, my suggestion is to combine these two offices and save 40 lakhs of rupees, as was pointed out by my Honourable friend, Sir Henry Gidney, yesterday.

**Mr. B. R. Puri** (West Punjab: Non-Muhammadian): I do not understand the Honourable Member's argument. Mr. Yamin Khan, who has got the experience as a Member of the Council of State, is now a Member of the Legislative Assembly. Does my Honourable friend mean to say that, therefore, the two Houses should be combined?

**Mr. A. H. Ghuznavi:** The question is that he has been running the East Indian Railway and also he has the experience of running the Eastern Bengal State Railway. You cannot, therefore, compare this instance with a Member of the Legislative Assembly.

**Diwan Bahadur A. Ramaswami Mudaliar:** May I understand that because the Railway Board have not amalgamated these two Railways, they should be abolished?

**Mr. A. H. Ghuznavi:** Certainly.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Are you not pressing upon the Honourable Member to reduce the overhead charges by amalgamating these two?

**Mr. A. H. Ghuznavi:** Certainly. Sir, I will now take the collieries.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur cum Orissa: Muhammadan): Why did not my Honourable friend raise this question in the Standing Finance Committee for the Railways?

**Mr. A. H. Ghuznavi:** I am a member of the Railway Standing Finance Committee, but I was at that time in England.

**Mr. Lalchand Navalrai:** Might I know why the Honourable Member is so fond of colliery? Is he interested in it?

**Mr. A. H. Ghuznavi:** I do not possess one single inch of coal land. I have nothing to do with the collieries. By a misfortune I was the Director of three collieries and have tendered my resignation from all of them. I have nothing to do with the management of collieries. I have never been a managing agent, nor have I got any collieries, nor have I got any shares in collieries, and I want to make myself clear on that point.

**Mr. Lalchand Navalrai:** Is it the past sympathy of the Honourable Member that induces him to discuss the collieries?

**Mr. A. H. Ghuznavi:** Well, Sir, there is a history behind these collieries. Tons of money have been wasted and I will tell you how it has been wasted. They did not call for public tenders to raise their coal. What further condemnation can you have against the Railway Board? What have they been doing here? They did not know that there was no public tender called for raising coal, not until I had brought the matter to their notice; and they are supposed to be supervising and exercising all caution. I gave the result yesterday. Once they called for public tenders where they were paying Rs. 1-6-0 they have now to pay thirteen annas. Taking that figure alone, there is a saving of nine annas a ton. According to my Honourable friend, Mr. P. R. Rau, they raised eleven lakhs tons of coal and, on that figure, you would have saved Rs. 5½ lakhs. I shall show that you have saved even more. Here is a list which I will place on the table—the names of the contractors and their rates. One contractor, K. Worah & Co., gets Rs. 1-8-0, not Rs. 1-6-0: according to that, there should be a saving of eleven annas. The next is the Chief Mining Engineer's *chaprassi*, Rambilas Sing, and he gets Rs. 1-8-0. The third man is K. C. Thapar, and his rate is Rs. 2-0-0. The next is Jatasundar Dossa, and his rate is Rs. 1-6-0. Then, again, Worah & Co. come in with the rate of Rs. 1-6-0. Then, there is one Mr. A. B. Searge, and his rate is Rs. 1-6-0. Then come Madhabji Mapa, Mr. Simon, and the brothers of Madhabji Mapa, all with the rate of Rs. 1-6-0; and, then, again, Rambilas Sing, who gets Rs. 1-12-0; then Ladha Singh, who gets Rs. 1-6-0; and A. L. Ojha, who gets Rs. 1-12-0; and A. L. Ojha's minor son is another firm which gets Rs. 2-2-0. All these rates are merely for raising coal and they were given these rates without calling for public tenders; they cannot deny that they have not called for public tenders until last year when I raised a debate; and then only they sent a circular that in future they cannot give to any contractor without calling for public tender for raising coal.

**An Honourable Member:** What is your complaint then?

**Mr. A. H. Ghuznavi:** My complaint is that they were losing 80 to 40 lakhs over this raising alone . . . .

**Mr. S. C. Sen:** The Honourable Member forgets that last year the collieries raised only 12 lakhs of tons.

**Mr. A. H. Ghuznavi:** Yes, I will come to that; last year they have raised only 12 lakhs tons: and they would have saved 12 lakhs on that; but that is not the only figure. That is only for the raising contract. What is the complete average cost? It is Rs. 4 a ton and what is the cost of the private companies of raising their coal that they can sell them at Rs. 4 or Rs. 3? Here is a company . . .

**Mr. S. C. Sen:** Of which you were a Director.

**Mr. A. H. Ghuznavi:** I was: I am no longer a Director of the company . . . .

**Mr. N. N. Anklesaria:** May I know from the Honourable Member whether the Railway Board have not benefited by his advice tendered in this House last year? And, if so, what is his complaint about the Railway Board in this connection?

**Mr. A. H. Ghuznavi:** My complaint is that I am moving the cut to abolish the Railway Board . . . .

**Mr. N. N. Anklesaria:** For following your advice?

**Mr. A. H. Ghuznavi:** For not following my advice until last year. I want them to be abolished; they have no business to be there . . . .

**An Honourable Member:** Then who will call for the tenders?

**Sir Cowasji Jehangir:** I rise to a point of order: we are not sitting in Committee; we are sitting in the House and I think that the Honourable Member should be allowed to proceed with his speech and the proceeding should be that of the House and not of a Committee.

**Mr. Chairman** (Sir Hari Singh Gour): The Honourable the Mover of this cut has announced to the House that he wishes to raise a debate on the general policy and administration of the Railway Board and it is on that understanding that the first cut was allowed; and I hope Honourable Members on both sides will indulge him to that extent and, I am quite sure, that the Honourable Member will realise that what he said yesterday need not be repeated today, and that that leads to a considerable amount of interjections and interruptions.

**Mr. A. H. Ghuznavi:** Thank you, Sir. I am closing this debate. I have stated why the Railway Board should be abolished. I have given you reasons: the coal purchase policy, the way in which they run their collieries; not amalgamating the East Indian Railway and Eastern Bengal Railway and not amalgamating the medical services on both these Railways; their short-sighted policy in not reducing their coal freight to enable coal to be carried cheaper and to enable them to earn more freight; depriving the Railways of their legitimate share of freight by sending coal by steamships to Madras. Sir, I move.

**Mr. Chairman** (Sir Hari Singh Gour): Motion moved:

‘That the demand under the head ‘Railway Board’ be reduced to Re. 1.’

**Mr. S. C. Mitra:** Sir, I support the motion of my Honourable friend, Mr. Ghuznavi, for the abolition of the Railway Board. In his speech Mr. Ghuznavi concentrated his main attention to only one side of the railway policy. I think he was right to do so; it will not be possible for any Member in this House to deal exhaustively with all the various defects and deficiencies and maladministration of the Railway Board even if he speaks for hours together. Last year, the Honourable Mr. Ghuznavi, in his speech, made certain very serious allegations. I am glad that gradually he had occasions to substantiate those charges and, in further stages of this debate, I hope, if anything is left to prove the case completely, the Honourable Mr. Ghuznavi will do it. On those considerations I do not like at all to say anything about the coal contract policy of the Railway Department, though I know fully well that a large sum of money, estimated to be about 25 lakhs of rupees, have been saved this year from the coal contracts alone. It has been rightly said that to show it conclusively, it shall have to be proved that the coal rate in the market is more or less the same as in the last year, and that the principle of accepting the lowest tender, so far as possible, has conduced to have the reduction of such a large sum as 25 lakhs in the Railway Budget of this year.

I should like to devote the few minutes that I have at my disposal to the question of the policy of Indianization of the Railway Board. To make myself particularly relevant to this motion, I say that I want the abolition of the Railway Board. By that I do not mean to suggest that the posts of the Chief Commissioner of Railways or of the Financial Commissioner should be abolished altogether; but I would like to press upon the attention of the Government that if the other departments of the Government of India can be managed by a Member with his Secretary, Deputy Secretary and one or two Assistant Secretaries, wherever necessary, why should the Railway Department have the luxury of not only having a Chief Commissioner who holds the position analogous to that of a Secretary to Government, but also a Board and a Directorate consisting of six Members, Secretaries, Deputy Secretaries, Assistant Secretaries and a large host of officers. It was a fashion in olden days to have Directors-General and, I think, it is a legacy of those olden days that we see in the Railway Board. Though it has ceased in other departments, it is being persisted in the Railway Department, because there is enough money to waste. If we look at the demand for grants, we find that we pay to the Chief Commissioner Rs. 5,000 a month, and not Rs. 4,000 which other Secretaries are paid. The Financial Commissioner is paid Rs. 4,000 a month, and there is provision for three Members, though now we are carrying on with only one Member on Rs. 4,000 a month. Other posts are held in abeyance, and that shows that all these posts are really not necessary. I shall show a little later that the Member who is now retained is the last Member who was added to the Board, that is the Member for Staff and Labour. When the whole scheme was contemplated in 1921, there was no question of a Member in charge of Staff and Labour, while there were recommendations for two Members for traffic and engineering. There is also provision for five Directors, and their pay ranges from Rs. 2,100 to Rs. 3,180 per month. Looking to the demand for grants, I find that in 1932-33 there was provision for four Directors, and now they have added one more. There is also a Secretary drawing Rs. 2,500 to Rs. 2,980; then, there are five Deputy Directors drawing a scale of pay Rs. 550 to Rs. 2,130.



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There is a Deputy Secretary, one Assistant Secretary drawing Rs. 1,000 to Rs. 1,250 and several Superintendents. My main contention is, as we found in the Local Governments as well, there is no necessity of these Boards. We have here also a Central Board of Revenue in the Finance Department. It was suggested by the Retrenchment Committee that, instead of a Central Board, there should be only one man in charge as it would be conducive to economy and efficiency. It is for the Government of India to show that the work cannot be carried on by one man as it is being carried on in all the other big Departments, say, in a Department like the Home Department which deals with so many branches and so many offices through the regular Secretariat. When any question is put in this House, the usual reply is to the effect that the question will be sent to the Agent.

**Mr. Chairman** (Sir Hari Singh Gour): How long will the Honourable Member take?

**Mr. S. C. Mitra:** I will take a little more time. Sir.

**Mr. Chairman** (Sir Hari Singh Gour): The Assembly will adjourn till Half Past Two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Chairman (Sir Hari Singh Gour) in the Chair.

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**Mr. S. C. Mitra:** At the time the House rose for Lunch, I was discussing the question about the position of the Agents of the different Railways. I was saying that innumerable questions were raised in this House and the usual reply that we got from Government was that they were within the exclusive jurisdiction of these Agents. I do not grudge that position. I fully appreciate that, in the routine administration of the Railway Department, nobody in this House will care to interfere, but I like to infer from this point of view that all these really important matters are decided by the Agents, that the Railway Board is a mere co-ordinating body and that that was the purpose for which it was originally created. These Agents have their complete paraphernalia.—Divisional Superintendents in all the important junctions. They have got, my friend, Dr. Ziauddin, tells me, Operating Superintendents and Accounts Officers, and all the staff that is necessary to carry on the Railway Administration. The real responsibility for the Railways lie with these Agents. If that is so, then what is the necessity of having such a big body like the Railway Board? It is almost a third wheel in the Railway Administration and it merely hampers the work. Later on I shall show how the third Member, instead of encouraging Indianisation, is merely impeding it. Referring to the Railway Convention, which is in Appendix D of the

Railway Board's report, Vol. I, page 98, I find that there was a specific condition for acceptance by this House of that Convention. It reads thus :

"Apart from the above Convention, this Assembly further recommends that the Railway services should be rapidly Indianised and, further that Indians should be appointed as Members of the Railway Board as early as possible."

I shall presently quote figures about this process of Indianisation. Last year I was quoting figures to prove how the process of Indianisation, not only amongst the minority communities like the Muslims, was going at a very unfavourable pace. I find in Mr. Hasan's report it is stated on the very first page :

"It was subsequently decided by the Railway Board that I should in the first instance confine my investigation to the subordinate staff only."

Later on, there may be some inquiry about higher gazetted officers. I do not know if, afterwards, any inquiry was made. I find even the Acworth Committee in 1921 on page 58 saying this :

"Until recently opportunities for the technical training of Indians were lacking and, owing to the absence of opportunities, few Indians were able to reach the standard required for the superior posts. Certain opportunities are now being provided."

Now, the latest figures that are available show that for gazetted officers in the year 1932, there were a total of 1,949, of which Europeans comprised 1,270, Anglo-Indians 130,—that is, out of a total of 1,949, 1,400 posts go to Europeans and Anglo-Indians. Hindus 430, Muslims 73, and Sikhs, Parsis and other minority communities account for 63. Then as regards the next class, which draws Rs. 250 and over, the total is 8,591,—of which Europeans comprise 1,855, Anglo-Indians 3,629, Hindus 2,059, Muslims 375 and others 673. If we are to judge about Indianisation, it should not be by counting the heads of clerks and menials that are employed all over India. The real strength of Indianisation must be judged by these superior posts and who enjoy these posts. I shall now show that Government made certain provision for training some of the apprentices who could aspire, after getting training for several years, to get these highly paid jobs, so that it may not be said that there were no qualified men found in India. Here is the Railway Board's Notification, dated the 7th September, 1930. Here it is stated :

"The permanent establishment of the Mechanical Engineering and Transportation, Power Departments of the Superior Revenue Establishment of State Railways is recruited from the following sources, (i) persons of non-Asiatic domicile appointed by the Secretary of State by selection from the United Kingdom, (ii) persons of Indian domicile appointed in India by the Government of India by selection under these regulations and (iii) by promotions of special qualified subordinates of the department concerned, and (iv) occasional appointments of other qualified persons."

Looking at it, it will be clear how perverse is the idea of recruitment in this country. In recruiting for the higher railway services, firstly the Railway Board is anxious for the recruitment from persons of non-Asiatic domicile. Every man, with ordinary common sense and an idea of decency, will be ashamed to hear that the Government are anxious, in the first place, to recruit men of non-Asiatic domicile. I think these days will shortly be over,—now that we have a sympathetic Member who is responsible for Indian Railways, and I certainly hope that there should be at

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least some decency in these circulars, and that it should never be claimed that Indians should be considered as helots in their own motherland, and that in the first place, for recruitment for the Railway services, account should be taken of non-Asiatic, and not only non-Indian, but non-Asiatic domicile. Then there was an arrangement made that a dozen boys should be recruited through the Public Service Commission from the provincial quotas from the whole of India who were to be trained at the Government Technical School at Jamalpur and that those who were found qualified were to be sent to England for further training for a period of two years. Now, I would ask the House to consider what happened this year particularly. Out of 12 boys that were taken, 10 boys were found fully qualified by their Professors. But the Railway Board, in their wisdom—and I shall try to show why we have particularly a Staff Officer to look after these things—found that only six boys would be sent though 10 boys were found to be qualified. Sir, throughout the whole of India, they say, they can provide room only for six boys. Then, there is a further contention, I understand, that the High Commissioner might have failed to secure facilities for training in workshops in England for more than six. Sir, we buy each year crores of rupees worth of stores from England. Well, if the High Commissioner nevertheless cannot provide facilities in English workshops for more than six men, why is this High Commissioner for? If England, I ask, fails to give training facilities to our boys, then there are other countries of the world who are willing. I really wonder, Sir, that any country that gets the great privilege to sell crores of rupees worth of stores to India should hesitate to provide for the training of only 10 Indian boys in their Railway Workshops! Anyway, I know the Honourable the Commerce Member is very sympathetic and he knows that lots of money have been spent in giving a stipend of Rs. 100 a month to each of these boys selected from the whole of India on a provincial quota basis. If, after we have spent over Rs. 5,000 on each of these boys, they are thrown out, not only the money but the career of these promising boys will be utterly ruined. I fully expect that the Honourable the Commerce Member will try to convince the House that he really means that India's money is not wasted, whatever may be the opinion of the Railway Board in these matters. I think it is for one of these reasons that the Europeans here are anxious for a Statutory Railway Board—not only are they not satisfied with a Railway Board which they already dominate and with which they use their influence as they like, but they want a Statutory Railway Board which will not encourage in any way Indianization, but will put impediments there and do all such things. I now see why through the Round Table Conference they want a Statutory body, not in any way to help the better administration of Railways, but merely to put a stop to all the aspirations of Indians to be masters in their own house. So, Sir, I submit, that the question of Indianization should not be judged merely by reference to the aggregate numbers of all sorts of Indians in the Railway service. If Government honestly want to do justice to this issue, then they should find out how much money is paid to the high European officials, and then the real measure of Indianization will be judged by these high posts carrying a salary of over Rs. 250 a month, and not by counting the heads of all coolies and clerks throughout India who are in the Railway Department. I say, the Railway Board have thoroughly failed to satisfy Indian expectations in this field and that is one of the reasons why we want the abolition of this sham Railway Board.

Sir, my friend, Mr. Ghuznavi, said much about coal contracts. I do not like to say anything about that, but the other question about the State collieries is a matter in which also this Railway Board has hopelessly muddled. That is a matter which was before the Public Accounts Committee, but I do not understand why the Railway Board, delaying that evil day, did not place all these matters before the Public Accounts Committee during all these months after the Simla Session, and that is a matter which, I hope, they will fully explain. I will only say here now that I find, by making calculations from the books supplied, about collieries belonging to the Railway Department that the cost comes to Rs. 3-15-0 per ton for raising alone, but that perhaps takes no account of the large interest on Rs. 3,35,57,000 that have been invested as capital for collieries; and even this year, there is a provision for spending another eight lakhs on the development of some collieries.—the Talcher and others. From these it is evident that the cost of raising alone of these State collieries is Rs. 3-15-0 per ton, not taking into account the huge interest on Rs. 3,35,00,000, invested. I further understand that this cost per ton of coal will be further increased if slack and ashes, which account for about 25 per cent., are also excluded. In that case it will go up to a higher figure; and then most of these collieries are producing only second class coal and the price of second class coal, in the market, is about Rs. 2-12-0. If that be the condition, then—I speak subject to correction on this point because, I am not so sure about the figures,—the position is very unsatisfactory; this, of course, is what I infer from Government's colliery publications. If my assumptions are correct, if, by omitting that material element of the huge interest charges and the question of slack and ashes, the cost comes to Rs. 3-15-0, then it is time for Government, I say it is the duty of the so-called Railway Board which has been supposed to look after the interest of the Indian tax-payers for all these years, to close up, if necessary, these collieries or to give them out on lease. That is a mere suggestion and I do not like to develop that point now, because I still hope that the Railway Board will delay no more in placing all these facts before the Public Accounts Committee as they had promised last time during the Simla Session they would do, but which they have failed to do up till now.

Now, I should like to say a few words about the Railway Board performing their duties towards the third class passengers. I do not fully agree with my friend, Mr. Joshi, that the first class or the second class Railway carriages should be done away with. I know the well-known railway principle that these passengers may be taxed to the tune of what the "traffic will bear"; it is no use, because, on a strict arithmetical calculations, the first or second class may not pay, saying that the first and second class should be abolished altogether. But there was much in the contention of my friend, Mr. Joshi, that the third class passengers are not properly treated. It is a common saying that the holders of the yellow tickets are very rudely treated by our Anglo-Indian officials. I have often seen at stations like the Ambala Cantonment, Saharanpore and Hardwar where third class passengers are stopped from getting into the train nor are they permitted to come to the station platform, before their more fortunate brothers, holding second and first class tickets, have taken their seats in the train. They are put in a cage and are let out only when the ticket holders of the favourite classes have been comfortably seated. Sir, I would like to tell the Honourable the Commerce Member that in these days of growing competition with motor buses, it will not pay the

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Railway Board to neglect the third class passengers. It is the same fare for the third class passengers whether they travel by train or by bus. In fact, in the case of a motor bus, they have the facility of taking their own time, because there is a bus every 15 or 20 minutes. Apart from all these things, if the railway officials (particularly the Anglo-Indian officials) do not improve their manners as regards the treatment of the Indian third class passengers, I am afraid the Railways will undergo a great loss. But in spite of hundreds of reports of Mitchell-Kirkness, they will not be able to improve the Railway revenue. I have another suggestion about the treatment of third class passengers. Formerly, we used to have small compartments for 8 or 12 passengers. But now they have made it a principle to have big railway carriages providing for 40 or 50 passengers with a small latrine in one corner, which is so small that a bulky man like my friend, Mr. K. Ahmed (I am sorry he is not in his seat), or even my Honourable and gallant friend, Lieut.-Colonel Sir Henry Gidney, cannot get in.

**Lieut.-Colonel Sir Henry Gidney:** Is there any necessity for the Honourable Member, being one of Pharoah's lean kind, to make any anatomical reference to me? (Laughter.)

**Mr. S. C. Mitra:** If my friend has any objection to it, I beg to withdraw my remarks.

**Lieut.-Colonel Sir Henry Gidney:** I have no objection at all: I am from the Round Table Conference!

**Mr. S. C. Mitra:** My suggestion is that the compartments should be smaller and, in each such small compartment, there should be provision for a latrine with sufficient accommodation in it.

I would also like to make a few remarks with regard to the reserved accommodation for third class passengers. Last year at Simla some persons approached me and I had the occasion to write and also to speak to the Financial Commissioner. It was brought to my notice that at Kalka it was impossible to reserve third class accommodation for 10 or 12 men. I have already said that the Railway Board must justify its existence. In the very beginning there was only one gentleman who used to look after the State Railways. He was known as the Consulting Engineer when all the Railways were under the Public Works Department. Afterwards, the post of the Director of Railways was created. Subsequently, posts of some other Directors were added, but all that time the work was done by the Secretary and the Under Secretary as is the case in the other Departments of the Government of India. The advice of technical experts was taken only in the case of Railway construction. I think the creation of the Railway Board as such was recommended by the Acworth Committee in 1921. The idea of this Committee was that there should be a Chief Commissioner and a Financial Commissioner and the whole of the Railway system should be divided into three divisions, Western, Eastern and Southern and that there should be three Members of the Railway Board like the Agents of these Railways. But, in giving effect to their recommendation, the Railway Board decided that there should be a

Chief Commissioner and a Financial Commissioner and two Members,—one, who will be responsible for technical subjects, and another, for the general administration. Gradually, a third Member was added to look after the staff and labour. But I think it is well known to the House that there are at present as many as five Directors with six Deputy Directors to look after the works, bridges, stores and traffic. There is one Assistant Director, and there are Deputy Directors, Director of Finance, Assistant Director of Statistics. Now, in the Railway Board the post of the Member for Traffic has been kept in abeyance since 29th March, 1932, and the post of the Member for Engineering has also been in abeyance since 5th March, 1932. That shows that the real experts either in the technical or in the general line are not there. So it must be admitted that they are not so essential. Nobody contends that the post of the Chief Commissioner or that of the Financial Commissioner should be abolished, but what is the necessity for keeping a third Member who is to look after the staff and labour? Is he there only to look after the interests of Europeanisation and Anglo-Indianisation? So, I suggest that Government should do away with the Railway Board and make the Chief Commissioner responsible for the Railways as is the case with any other Secretary in the Government of India. Of course, he will be helped on the financial side by the Financial Commissioner and there may be Deputy Secretaries, Joint Secretaries and Under Secretaries to give him help, for it is expected that it is the Agents who are really responsible for the running of various lines. It is these Agents who ought to be held responsible for the day to day administration, and a huge sham like this Railway Board which costs 12 lakhs of rupees should be done away with. Sir, with these words, I support the motion of my friend, Mr. Ghuznavi.

**Mr. Lalchand Navalrai:** Sir, I am not interested in coal or collieries—  
 3 P. M. neither at present, nor in the past. I will, therefore, not touch on the question of collieries, but I will attack the Railway Board for their general policy and points of view. Sir, there should be no surprise at this bold cut having been moved for removing the Railway Board. It is not the first time that such a cut motion has been moved. Last time it was moved by Mr. Bhuput Singh and supported by Dr. Ziauddin Ahmad and myself. Sir, on this point, before I give my own reasons, I must say that Dr. Ziauddin Ahmad is nowadays recognised as taking the utmost interest in the Railways and is considered one of the experts. Therefore, I will quote him as an authority and say what he urged on the last occasion. He said:

“Sir, this motion practically means that the Railway Board should be abolished; and from what we have been discussing during the last two years, I for myself do not find any reason for its existence in the present form. I have been trying to find out whether the responsibility for efficiently running the lines rests with the Agents or the Railway Board. I put this question definitely in the Assembly, but I got no reply; and if the Railway Board do not take the responsibility upon themselves for the efficient working of the Railways, I do not see any reason for their existence, and the motion of my Honourable friend is quite to the point.”

A similar motion is now before the House and I submit that a great deal has been said in this House in favour of the acceptance of this destructive proposition. The constructive part of it has also been put forward, and I will also put that before the House more clearly. To begin with, I will give my own reasons for the Railway Board being done away with. The first of my reasons is that it is uneconomical to maintain

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such a huge Board with such a large body of staff. If I call it a "white elephant", the name will be very appropriate. My second reason is that the Board does not hold itself responsible for the working and action of its Agents. My third point is that so far as the Company-managed Railways are concerned, the Board maintains an attitude of indifference. Then, Sir, the fourth is that there is maladministration and lack of supervision of the Board generally.

Now, Sir, I will take the first point first. So far as economy is concerned, I think the Board does not know what economy is. In those prosperous days when the Board had large amounts of money and there were surpluses in the Budgets, the Board did not think of the rainy days when they would require money even to meet their ordinary expenses. In those days, they went on increasing their officers and they have made the Board top-heavy—not only the Board, but even their Divisional Offices and the Agents' Offices. If you look at them, you will find a maze of offices and a battalion of unnecessary officers. The work which can be done by one man is being done by three and that is being done in a piecemeal fashion which takes so much time. With regard to this, it has been shown how the Board is at present constituted and I think it is claimed that two Members of the Board have been done away with. But I should like the Honourable the Railway Member to make it clear whether these two posts have really been reduced or merely kept in abeyance. If they are in abeyance, there is no reduction at all. In that case, these two officers must be enjoying their leave and other allowances in England without doing any work. If that is so, it is a very deplorable state of the Railway Board.

**Mr. P. R. Rau** (Financial Commissioner, Railways): May I say, Sir, that it is not so?

**Mr. Lalchand Navalrai**: May I know how it is?

**Mr. P. R. Rau**: The number of Members have been reduced from three to one. The two officers reduced are at present holding other posts.

**Mr. Lalchand Navalrai**: May I know if these were new posts created for them?

**Mr. P. R. Rau**: They were not created for them.

**Mr. Lalchand Navalrai**: May I know which are these two posts?

**Mr. P. R. Rau**: The two officers are Mr. Brayshay and Mr. Hannay. One is the Agent of a Company-managed Railway and the other is the Agent of a State-managed Railway.

**Mr. Lalchand Navalrai**: Anyway, both these officers have been provided for and that does not mean that the numbers have been reduced; they may have been reduced as such in the Railway Board.

Then, Sir, it should be considered why such a large body of officers should now be retained in the Railway Board, and this leads me to the question of Indianisation. I thought that the Railway Board would take it that the services of the Board should be Indianised. If this is done, it is also a way to economy; and the question is, have the Board taken notice of the warning that has been given to them for a very long time? Sir, I do not in the least wish to cast any aspersion on Mr. Colvin who has now been put in the place of Mr. Hayman; but I do say that the post was held by an Indian and should have been given to an Indian. I do not understand why that post was not given to an Indian. It was reported that an Indian was going to occupy that post, but that hope has not been fulfilled.

Then, Sir, I need not go into the details to show how much is being spent by the Railway Board on the staff. It has been sufficiently shown in the past that the salaries that are being given in the Railways are too high and that they ought to be minimised. I submit that the Railway Board should have taken a warning when they were told for a long time that they should keep their own house in order, but they have certainly not done so. The tendency seems to be to increase the number of officers and to appoint more and more so-called experts. We see that the whole policy is that the Railway Board only wants to keep under their own check the making of the policy which may guide the Agents, but they are not actually supervising and paying particular attention to the very work of the Agents. That leads me to the second point that they are not holding themselves responsible for the working of their Agents. Sir, is it not a deplorable feature that whenever we have asked questions in this House about what the Agents have been doing, and represented grievances of the Railway officers or of the public, and asked the Treasury Benches to give relief to those public servants and the public, we have always received the stereotyped reply that it was not the concern of the Railway Board, but that it was within the competence of the Agent? Sir, it is really a matter for very serious consideration whether the Board should exist. It is not only that we have been getting such replies with regard to small matters of detail, but it is so even on matters of policy. I must mention of two instances that occurred when I had put questions to the Assembly in regard to subordinate officials. The first question was with regard to the policy of the Government or the Agents with regard to the transfer of subordinate servants from one district to the other, and I presented in those questions the case of two ticket collectors who had been transferred long ago from the Quetta Division to the Delhi Division. Their grievance was that, according to the rule of the Agent, they had to remain at one place outside their district for three years only, and that though they had remained there for more than three years, the Agent of the Division had refused their transfer. There was another point in it, i.e., that they had been for the last three years, away from their home district and that that was causing them great inconvenience in providing facilities for the education of their children, etc. I asked in my interpellation about the policy of transferring such people from their home Division. The usual reply was that the question was being sent to the Agent. The Agent is the deciding authority. He has given his ruling, yet the question was being sent to him. The rule should at least be that such cases be considered by the Board, to find out whether it was a right decision or a



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wrong one, and not to plead irresponsibility for the decision of the Agents. If they feel so, the Board must die rather than live. I asked another question of a similar nature last year with regard to the Assistant Controllers having been put into trouble. Some 51 Assistant Controllers were appointed by the Agent, and, after their working for about two years, these Assistant Controllers were actually confirmed by the Agent. After about 9 months, those very Assistant Controllers' confirmation was actually cancelled. Sir, I raised this question in this Assembly and the same stereotyped reply was given that the Board had got no information on it. If the Board has no information on points as these, I think they have not justified their existence. I must here mention it to the credit of the Honourable Mr. P. R. Rau that he took some interest in the case and we found that the confirmation of 37 Assistant Controllers which was cancelled was restored. There still remain 14 Assistant Controllers. On the question put in this House again this year with regard to these 14 Assistant Controllers, I submit, the self-same reply came that the Board was not concerned with it and that the papers were being sent to the Agent. From this it is proved that injustice has been done to these 14 men. Why should not their case be investigated into by the Railway Board? I submit that things like this prove to the very hilt that they do not recognise their responsibility—and not recognising their responsibility means that they should not exist.

Then, Sir, we find the same fate is awaiting us when we put questions in the Assembly in regard to the working of the Company-managed Railways. Company-managed Railways have contracts with the Government. The Government have been of help to them. Government have made all facilities for them and they are even advancing money to them in the way of loans. Why should the Railway Board show themselves so indifferent as to say that they have no concern with them? It is their business in regard to their policy as well as in the matters of their administration. Sir, when grievances develop into such a state, they must be redressed even if it requires the Railway Board to spend some time.

Then, passing to the administration generally, I will record one or two matters. Sir, the first is with regard to the question of economy. We find at present that 7.77 crores is the deficit that has been shown in the Railway Budget. It is, as my learned friend from Karachi, Mr. Sullivan, said, an optimistic view of the learned Railway Member that from rates and freights he will make an increase of two crores of rupees. The state of affairs shows the reverse and the facts of the case all prove to the contrary. Then, Sir, we see that the Railways are not popular now at all. It is clearly the fault . . .

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official): On a point of order, Sir. Is the Honourable Mr. K. Ahmed in order in reading newspapers in the House?

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): I am looking for authority to quote in my speech: if the Honourable Member had intelligence enough to understand that, he would not have raised the point.

**Mr. Lalchand Navalrai:** I hope my Honourable friend, Mr. K. Ahmed, was not reading for some irrelevant remarks for me. Now, coming to the question of the maladministration, I said that the Railway Board was responsible for the unpopularity of the Railways at present. What do we find? We find that they have not taken care to put their house in order or given those facilities and conveniences to the public which would make their Railways popular. In the first place, the Railways have not given the services as desired by the people; they have got very slow trains and, besides that, there are no direct trains where they ought to be. May I not quote the instance of the Delhi-Karachi route? Karachi is an air port as well as a sea port; but there is no direct train either *via* Lahore or *via* Bhatinda from Karachi to this Imperial Capital City of Delhi.

**An Honourable Member:** What about the Karachi Mail?

**Mr. Lalchand Navalrai:** It does not come direct: it comes to Lahore; and then one has to wait three or four hours and then take another train to Delhi. On the Bhatinda side it is still worse.

**An Honourable Member:** Go by air.

**Mr. Lalchand Navalrai:** And get stranded like Mr. Gaya Prasad Singh while he was going to Karachi by air? I will not risk that. I was saying that if wisdom had been used and conveniences had been given to the people, then you would not have found this road transport by motor buses and cars. If anybody is responsible for that and for the loss caused on that account to the railway, it is the Railway Board.

Taking another point, which is also an economic point of view, the Railway is responsible for not even affording conveniences to people by giving them sufficient number of wagons for transporting their goods. People have been complaining since long, and I am in possession of a telegram which I received today from Sind which complains that the Railway has not been able to give them sufficient number of wagons; and that the transport cannot, therefore, be carried on. Yet they say, there is a deficit and yet they claim that they are carrying on their administration properly! That telegram comes to me from representative merchants of Shahdadkot in Sind: they say:

"Administration, Larkana, Jacobabad Railway unsatisfactory Shahdadkot merchants dissatisfied complaints since ten years no remedy ten thousand bags now lying station town goods wagons great shortage trade diverted by carts. . . ."

Now, it is the bullock carts that are going to fight with the Railway Board (Laughter): it is not the motor cars, but the bullock carts . . . .

**Mr. M. Maswood Ahmad:** They will bring in a Bill to stop the bullock cart competition!

**Mr. Lalchand Navalrai:** They will have to do that if they persist in their policy. The telegram goes on:

"trade diverted by carts, camels. Railway losses seventy-five thousand annually pray appoint inquiry committees redress grievances reply."

**An Honourable Member:** What is the date of the telegram?

**Mr. Lalchand Navalrai:** It is dated the 20th, but I got it only this morning. This is by the merchants of Shahdaddock represented by one Bachomal Anshiram. I, therefore, submit that it is high time that the Railway Board should cease to exist. The last time this motion was before the House, Mr. Maswood Ahmad said:

"But what about a central body? A central body is needed for the Railway Board."

Indeed a central body is needed, but the central body already exists. The Government of India are the central body and the constructive suggestion that I will make is to simplify the complicated and the cumbrous state of the Railway Board. I hope the Honourable the Railway Member, an Indian as he is, with the ability which he has shown, will be able to cope with the work of the Railway Board with the help of the Financial Commissioner and certain Secretaries. Is not that work going on in alike manner in the other Departments of the Central Government? Is not that work going on with Secretaries? If we refer to the old days, we find that there was such a system: it has been made clear in the House today that in former days when there was a Public Works Department to manage, there was a Director under the Public Works Department with certain Managers and others to carry on the Railways. Formerly, we know, that there used to be one Manager on a State Railway: the Manager had only a Traffic Superintendent under him with some staff. Then, in the districts, there used to be a District Traffic Superintendent and an Executive Engineer. Yesterday, my Honourable friend, Dr. Ziauddin Ahmad, put it vehemently and very forcibly that you must revert to the old District system and abolish this Divisional system. I personally know of the Karachi Division as to how many officers there are in the Divisional Office and how the work is carried on. It is a very sorry tale to tell that the head of the office leaves the whole business into the hands of his personal assistant who rules also over the departments, say, the department of commerce, loco. and so forth. Therefore, I submit that the old system should be reverted to with certain modifications. In this connection I must now refer to what the Honourable the Commerce Member said with regard to the investigation for economy that is being done by Mr. Pope. No doubt Mr. Pope may be a very clever man and an expert: but he does not belong to India and has no experience of Indian Railways; he comes from outside and he may be said to know the systems of those countries well; and though we have been told that certain officers and Agents have been associated with him in finding out and scrutinising the business, yet I must say that unless and until you associate with him one or two non-official Indians of experience in Railways, you will find that the sum total of his investigations will not be sufficient and will not be viewed with any approval. It is said that too many cooks spoil the broth. That is what is happening in the Railway Board. I would submit that the Railway Board should not only sit here to put on paper certain rules and policies, but they should take care to see that their policies are carried out. They should not leave things in the sole hands of the Agents.

One more thing to which I shall refer is this. Sir, we find at present that recruitment through the Public Service Commission is received with approval by the general public . . .

**Mr. M. Maswood Ahmad:** No, not at all.

**Mr. Lalchand Navalrai:** Exceptions there may be, but I am speaking of recruitment to higher services by the Public Service Commission. What I want to point out to the House is this. There is a rule in the Departments of the Secretariat that the ministerial services should be recruited through the Public Service Commission, however small the appointments may be, but as far as I am aware, that system is not in vogue in the Railways, where the ministerial officers are taken without any examination. That naturally leads to favouritism, and to no purity of service. It is, therefore, high time, Sir, that the ministerial services even in the Railways should be recruited through the Public Service Commission by open competitive examinations. We all know that there is now keen competition even among Muhammadans themselves for posts. Hitherto the bitter question of communal representation has been disturbing not only this House, but even the outside public, but now, there being competition among the Muhammadans themselves, the time has come when even Muslim candidates should be selected by means of a competitive examination. Personally, I am not in favour of communal representation at all, and this policy should be done away with at the earliest possible moment. Efficiency and efficiency alone should be the sole test, and, in that sense, I submit, the policy of "divide and rule" should be given up by the Government . . . .

**Mr. M. Maswood Ahmad:** What is the efficiency that you have in mind?

**Mr. Lalchand Navalrai:** Efficiency test is this. If a post is vacant, you hold an open competitive examination and select the best candidate, irrespective of his caste, creed or religion; but if a man, who is a mere matriculate or who has studied only up to the 6th standard, is recruited for the services in the face of so many well qualified graduates, that would be a suicidal policy. I do not want to offend my Muslim friends in this respect, but I am appealing to them to help the administration by insisting on the efficiency test for recruitment. I will just give an example of what recently happened in the Karachi Customs House. There arose a question between the Muhammadans themselves with regard to the recruitment of a particular individual. A man, who was said to have been helped by some people, and on account of certain pressure that was brought to bear on the authorities on behalf of this man, was taken in the preventive service on Rs. 200. He was only a matriculate, and then a cry came from a lot of Muhammadan graduates, and they asked on what grounds this post had been given to that individual. I asked a question about it in this House, and I do not know if the man who was then said to have been appointed only temporarily still exists or has ceased to hold the appointment; but I think the sooner he goes, the better. I, therefore, submit, Sir, that it is high time that the open competitive examination system is introduced for filling up all vacancies in the Railway services, and the Public Service Commission can be fully utilised for the purpose.

Sir, I think I have sufficiently made out a case for the abolition of the Railway Board. I do not want to waste any more time of the House, but I hope I have convinced the House . . . .

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muhammadan): The House is also convinced.

**Mr. Lalchand Navalrai:** I do not know whether the House is convinced or not, and it is for them to decide, but I have placed before the House very clearly all the relevant matters to justify the abolition of the Railway Board, and I hope the House will give earnest consideration to this motion . . . .

**Mr. M. Maswood Ahmad:** The motion will be withdrawn by the Mover.

**Mr. Lalchand Navalrai:** If that is withdrawn, I am not affected by it at all. I have ventilated the grievances. I do not want it to be said that this motion was put forward with a view to ventilating a particular grievance. This motion has been put forward for the purpose of getting sheer justice, as my friend, Mr. Ghuznavi, put it,—I have placed my case from a general point of view. I hope the House will accept this motion.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division: Non-Muhammadan Rural): Sir, on this motion I would first draw the attention of the Railway authorities to the comforts of the third class passengers. From the Budget that has been presented to us, it appears that out of the total revenue of 92 crores, over 26 crores are contributed by the third class passengers. The third class passengers are the best customers of Railways, and it is the duty of the Railway Administrations to look after the interests of these third class passengers. But, in practice, we find that they are most neglected. In the first place, I am much against the increase of the third class fares. Now, this increase has transferred the traffic from the Railway to motor buses, and I assure the House from my experience that in short traffic this increase of fare would only mean the diminution in traffic and consequently the ultimate diminution in the income. The position is the same as in the post office. The increase of 25 per cent. in postal charges does not mean the increase of 25 per cent. in the revenue. The same is the case here. On the other hand, I believe that if the rates are slightly diminished, the Railway authorities would be able to compete more effectively with road motors, and their income would ultimately increase.

It is very regrettable that in his Budget speech the Honourable Member made no mention of the efforts which the Railway authorities are making to increase their income and to increase the traffic. In fact, we ought to make our traffic more attractive, and then the income will surely rise. The complaint against overcrowding in third class compartments is very general. In case of heavy traffic on the occasion of fairs, it is the duty of the Government to increase the number of special trains, and overcrowding should be avoided at all costs. The supply of good food at moderate cost is an essential element for the comfort of passengers. In many stations the vendors charge exorbitant prices and in many cases they supply articles of inferior quality. Sir, it is said that the Divisional Superintendent is responsible for the supervision of these vendors, but everybody will admit that he is a very busy man and it is impossible for him to do it. The prices of commodities differ in many different stations, but they should substantially be the same as the prices prevailing in the local markets.

I also do not like the present practice of giving large contracts of tea shops and other articles to one man who, in his turn, gives sub-contracts to petty vendors. The contract should be given to one person and he should not be permitted to give sub-contracts to any other person. As far

as practicable the vendors must be drawn from the same locality and the supervision work should be entrusted to a small Committee consisting of the Station Master, the convener and four other members selected from local authorities who know the local conditions very well. If the local authorities are associated in supervising the prices and in giving contracts to local persons, I am certain that the situation will substantially improve. It is a conspicuous fact that the connections at junctions are not so good as they used to be in old days. Whether it is due to the vendors who have personal interest in bad connections or to absence of co-ordination among various lines, I cannot definitely assert, but the result of these bad connections is that these vendors have good sales at the junctions from passengers who are travelling long distances, but the persons going to short distances prefer going by road motors to save time. Railway companies thus lose money.

The next point to which I would like to draw the attention of the Government is the question of closing the gates at level crossings near Railway stations. In a large number of towns the civil population inhabit on both sides of the Railway lines, and it very often happens that clerks and litigants have to attend the Courts at fixed hours lying on the other side of the Railway lines. These gates are very often closed half an hour before the arrival of the train and people are put to very great inconvenience, and very often they miss their attendance in Courts. I, therefore, strongly advocate that in places where the Railway traffic is large and where the road traffic on level crossings is equally great, then overhead and underground crossings should be provided for the benefit of the public. The public at present is not sufficiently educated to bring civil action against the Railway authorities for damages, but if the authorities persistently refuse to look after their interests, the people will gradually be educated.

I would also press that the Railway authorities should also pay special attention to reduction of freight on wheat to the absolute minimum. The free movement of wheat from one place to another will help to stabilize the prices and it will also help the agriculturists. It is a self-evident principle that small profit, repeated many times, pays in the long run better than big profits which are not repeated. I, therefore, believe that reduction in freight will certainly help to increase the income.

**Mr. Chairman** (Sir Hari Singh Gour): I wish to point out to Honourable Members that Seth Haji Abdoola Haroon has given notice of a very large number of cuts printed on pages 7 and 8, amendments Nos. 91 to 100 raising the question of policy. They are all wholesale cuts of the same kind, and with Seth Haji Abdoola Haroon's cut No. 6 and the allied cuts, all the cuts dealing with the question of policy and administration are exhausted. The remaining cuts are all token cuts raising specific grievances.

**Lieut.-Colonel Sir Henry Gidney**: Mr. Speaker, I think the only thing left for me is to advise this House to ask that the rails be uprooted from all railway lines and so stop all trains.

**Mr. Lalchand Navalrai**: Where will the Anglo-Indians go then?

**Lieut.-Colonel Sir Henry Gidney**: They will come to you, Sir. We have had a very serious indictment repeated today against the Railway Board by my Honourable friend, Mr. Ghuznavi. He has, against

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ungenerous and unfair interjections, tried to prove his point. I think he has proved certain points and as the proof of the pudding is in the eating thereof, we see the benefit of his doings in this year's Railway Budget—a saving of 20 lakhs under coal. I do believe this House will join in giving Mr. Ghuznavi credit for what he has done and the money he has saved. I also feel that Mr. Ghuznavi's exposure will be taken seriously by the Railway Board and that it will continue to economise on coal in future Budgets. I repeat, the Railway Board and this House should be much grateful to Mr. Ghuznavi for all he has done. He has really rendered a great service to the country and to the Railway Board and, besides that, he has shown how inefficient the Railway Board has been in the past or rather how badly they have looked after the financial resources of the country.

Sir, there are some other points I wish to deal with in particular. One question is of very old standing. It refers to the separation of Audit from Accounts. It is a question, I believe, as far as the Railway Board is concerned, that has been put aside as settled, but I do not think the House should take it lying down. The separation of Audit from Accounts was introduced into this House a few years ago, I believe, with an assurance from the then Financial Commissioner that it would entail no extra expense except an initial increase of a lakh or so and that in the end it would result in economy. I speak subject to correction by the Financial Commissioner, Mr. Rau. I repeat, I believe that the separation cost the Railway Board nearly 20 lakhs. I submitted a very exhaustive note to the Railway Retrenchment Committee on this matter in which I explained the exact position and how this deficit has taken place. The Financial Commissioner had a copy of this note from me. I want to know what action has been taken on that matter.

Now, Sir, I come to another very important matter indeed. I am not a railway expert, so I will leave aside the question of uniting the various Railway Agents in towns where the termini of various Railways exist. I will take Calcutta as my example. In Calcutta, we have three Railways who have their termini there. One is Company-managed and the other two are State-managed Railways. The Company-managed Railway could easily be asked and I have no doubt it would agree to associate itself with any campaign of economy which is the desire of everybody in this House and the Railway Board, but I will, for the sake of convenience and for the sake of obtaining an answer from the Railway Board confine my remarks to the two State-managed Railways in Calcutta, the Eastern Bengal and the East Indian Railways. I may tell those Members, who are not familiar with Calcutta, that these two Railways run parallel with each other in places and in some places cross each other. Their head offices are almost in the same street and the shadow of one building all but falls on that of the other, and yet each of these two Administrations have palatial separate buildings, employ hundreds of clerks, hundreds of, I mean many, Deputy Agents, Chief Commercial Managers, Deputies, i.e., officers in charge of commerce, traffic and other departments drawing salaries from Rs. 3,000 downwards. These two Railways have totally separate organisations and yet one Railway, the Eastern Bengal, which is about a third of the size of the other, is being run independently. They have two enormous Stores Departments and we have the Indian Stores Department which

could easily have a central supply depôt in Calcutta and supply these three Railways with all their requirements and so abolish these separate Stores Departments entirely. Not only would this encourage local endeavours, but would encourage the Indian Stores Department and help it to show a credit balance and not a debit balance as it does annually. But the Railway Board thinks otherwise. I have no doubt they have their reasons for it. I have yet to know what these reasons are. Hitherto I have not been given any reasons why no serious action has been taken in this matter. Let me boil down the question to one small item of expenditure.

I will take the department with which I am closely familiar, for I may tell the House that, among the multifarious offices I have held in my active service in the Indian Medical Service, one was that of the Chief Medical Officer of a Railway, and here in Calcutta we have two separate Chief Medical Officers in these two State Railways. Until recently the Eastern Bengal Railway had a Chief Medical Officer with one District Medical Officer under him. Today it has three or four and six or seven Assistant Surgeons. The Chief Medical Officer of the East Indian Railway has about 12. This has, I understand, been reduced to 10 and the Railway Board is trying to make him stick to 10 who are in charge of Railway hospitals. I may tell the House with all the emphasis I can command and with all the responsibility I possess that the position of the Chief Medical Officer in any Railway is almost a sinecure—a hollow sham. The real duty is done by the District Medical Officers and the Chief Medical Officer is nothing else but a post office. He sits down in his office and, armed with a big staff, pretends to work by issuing reams of orders. Now, the two Chief Medical Officers in these two State Railways, I am talking of control, organisation, staff,—do about  $\frac{1}{50}$ th of the control done by the Surgeon General to the Government of Bengal. Let us compare the duties and responsibilities of the Surgeon General of Bengal with these two Chief Medical Officers combined. They are incomparable, yet there is very little, if any, difference in their respective salaries. The Surgeon General with the Government of Bengal has a staff of 500 to 600 medical men under him with thousands of hospitals and dispensaries and yet he alone does it and he is denied even a deputy,—and if you please, some Chief Medical Officers have got a deputy, personal assistants and other hangers on to hallow their glory and importance. But to crown everything, which amounts almost to an absolute sinecure of the appointment I am talking about, the Chief Medical Officer of the biggest Railway in India, the East Indian Railway, is also the Vice-Chancellor of the biggest University in India. Now, Sir, one cannot serve two masters; the work of the Vice-Chancellor of the biggest University in India, as is the Calcutta University, cannot be done in an hour or two. There are Committee meetings to attend and I know these are attended with extreme punctuality and to the great credit to the Vice-Chancellor. There are Senate meetings to attend and there are other things to be done by the Vice-Chancellor, yet the present Officer does this in addition to his duties as a doctor, i.e., the Chief Medical Officer. Sir, how is that possible? How is it possible for one Officer to efficiently perform these two distinct duties which demand wholtime services? I say, it is absolutely impossible, and for the Railway Board to tolerate and encourage it reflects to their discredit and is evidence of their inability to control this Chief Medical Officer. He should be at once told to serve one or the other master, and not two. Because, at



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present, one of the two offices—Medical Service or the Calcutta University—must be the sufferer. This state of affairs cannot continue a day longer, and I ask the Honourable Member to take immediate action—indeed I advise an early amalgamation of these two Chief Medical Officerships.

Now, Sir, I have another matter that has been brought up by my friends on the other side. My Honourable friend, Dr. Ziauddin Ahmad, was very severe in his criticisms on the Divisional and the District systems of Railway Administration. Sir, here again I occupy the position of a lay man, but I claim the position of a man who does observe things, for I am a son of a Railway man, and I have grown up in the atmosphere of the Railway administration, indeed I have mixed with Railway men more than any other Members of this House for the last fifteen years, and, when I speak of the Divisional as against the District systems, I am talking with a little practical experience. Sir, I remember the time when the Railways were run at a profit under Company-management and their shares were well quoted in the share market, a time when they had an Agent and a Traffic Manager and the District system was in force. At that time the Agent knew almost every man on his Railway, most of them by name. There was the personal, human touch between official and servants. Today with the Divisional system, you have replaced that by the importation into this country of some system introduced from Germany and adulterated with Americanism. I mean the Divisional system which has replaced the District system a change that has entailed about 20 times the number of the officials employed at an inordinate cost. You have by this change of systems not only incurred very heavy expenditure, but you have by your Budget shown inefficiency of work in your returns for your work, and what is the most important of all, you have lost that most essential requirement—the human touch; the Railway official today has no time for the human touch, as was confessed by a Railway Agent in his Presidential speech, to the Indian Railway Conference. In short, there is today no human touch between the employer and the employee; and that is the reason why there is so much distrust and that is the reason why there is so much unrest and so many Railway unions in your railways today. Apart from these considerations, Sir, there is not the slightest doubt that the Railway system was run well in times gone by under the District system and I think there is every reason why we should revert to that system again.

Then, there is another question which affects the Railway people considerably and that is the question of appeals sent to the Railway Board. My friend, Mr. Lalchand Navalrai—with whom unfortunately I very seldom agree, but, I do agree with him now—raised the question of certain Train Controllers, on the North Western Railway.

**Mr. Lalchand Navalrai:** Thank you.

**Lieut.-Colonel Sir Henry Gidney:** Sir, I brought up that very matter also year before last before the Railway Board. I had many interviews with the Railway Board on this question. Here is a matter in which a certain number of Railway subordinates were confirmed as Controllers by the permanent Agent of the North Western Railway, but the acting Agent of the Railway, when he went there, altered those orders. He then on being confirmed as Agent, and at a much late date, issued an order cancelling

this confirmation and confirming a new list of Controllers including many juniors. In other words, the men who were originally confirmed were arbitrarily deprived of their confirmation in violation of article 15 of the Fundamental Rules. Sir, it was the grossest piece of injustice ever perpetrated on subordinates on a Railway by a Railway Agent and I am surprised the Railway Board has not had the courage to turn round to this Railway Agent and say: "You must alter your wrong orders—and let the original list remain, because you have no authority, to violate Fundamental Rules, and we insist on these men being given justice, otherwise we must charge you with mismanagement of your Railway". Why is the Railway Board afraid to issue this order? Is it a case of justice *versus* the *izzat* of a Railway Agent—why only the Secretary of State can alter these Fundamental Rules. (Laughter.) You may laugh, but you laugh in ignorance. Sir, my friends know as well as I do that in grievances brought to the notice of the Railway Board the cases are again returned by the latter to the Agent and through him to the servant with the stereotyped reply: "The Railway Board regrets that it cannot interfere with the orders passed by the Agent". Sir, I stand here and say that I do not believe in the infallibility of any Railway Agent. A Railway Agent, after all, is but a mere man, he is not infallible. Does the Railway Board consider the Railway Agents or the Heads of Departments who act for the Agents to be infallible? Are their orders on any matter, however small or big, not subject to the scrutiny of, and alteration by, the Railway Board as a matter of equity if it is called for, or is the prestige and *izzat* of a Railway Agent of prime consideration to the Railway Board? Sir, I submit with all the emphasis that I can command that there are many cases of gross injustice which loudly call for the personal attention of the Railway Board as a matter of sheer justice and equity. I know several cases which my Indian friends have brought to me. I can recall one case in particular for which I have to thank the Railway Board—it was a Hindu-Muhammadian case—a case of gross injustice which I pressed for two years; and in that case the Railway Board assisted me and justice was given. Sir, these are cases that, if inquired into, must end in justice, but, if not inquired into, encourage "Zoolum" and lead to the present condition of grave unrest in the minds of the employees and often end in strikes. There are cases that I could quote *ad libitum* and of which the Railway Board is aware but I do not want to take up the time of the House. Then there is another point—that of adverse confidential reports. I remember a late Member of the Railway Board, it was Mr. Hayman, telling this House that when anything adverse was said in a confidential report on a subordinate, he was generally informed. I know of several cases on State Railways, and I particularly quote a case on the Eastern Bengal Railway in which the Divisional Superintendent, or what is still called the District Officer, made a statement in the confidential report on a man, a Traffic Inspector, without telling him of it for four years and then he wrote and told him: "Your confidential reports have been bad for some years and unless you improve, I must refuse you promotion and reduce you to the lower grade." This so-called system of warning subordinates of bad reports is a myth and is only exercised when punishments are to be inflicted and the man is suddenly stabbed in the back, mainly, by a demi-official letter, which is still the curse of the Railway Administration, and is still carried out *ad libitum*. I think the Railway Board should really take serious action, because, after all, what has a subordinate got as his remedy when he is suddenly told he is inefficient after years of solid good work. If he protests, he is told to shut up—or

[Sir Henry Gidney.]

he is told to resign or is compulsorily transferred. If he dares to contradict the official, he is generally charged with insubordination.

Then another point is the right of appeal. There are many matters which concern the future of a subordinate. Sir, the future of a subordinate is to him as important as is the future of any official. Now, appeals made by subordinates are often kept by Heads of Departments and Divisional Heads, because there is some order from the Railway Board to say that an appeal can be kept if the officer thinks it unnecessary to send it on to the Agent or Heads of Departments. Now, I consider that all appeals should be sent on for enquiry. A man can be punished if he makes a frivolous appeal, but why do you punish a man by withholding his appeal? It only leads to acts of oppression or *Zoolum* by some officials and who use this power of suppressing appeals as a concealment of their acts of tyranny and injustice and the poor subordinate is powerless. This must be altered by the Railway Board. This House will remember that for three consecutive years we defeated Government in a demand for an Enquiry Committee for Railways, and asked that Complaints Committees should be appointed on all Railways. Ultimately the Murphy Committee was appointed and exposed many injustices. Sir, on the floor of this House I now make an earnest appeal to the Honourable Member. Will he, in order to satisfy these many cases of unredressed injustices of which he hears nothing and which never come to his knowledge but which do exist adjudged from the thousands of appeals received by the Railway Board, appoint, on each Railway, a Complaints Department to deal with such matters. Every servant has the inherent right to justice and to appeal against an injustice. A sweeper enjoys this in all other Departments of Government. Let your humblest servant feel that he can get, if he wants, a full and honest hearing. Let these Complaints Committees be worked on the Whitley system which is working so splendidly in England. Why do you deny it?

4 P.M. Why do you give to your official such autocracy and make him a little tin-god and allow him to say: "I have spoken and I must be obeyed" and the poor subordinate has to sit down and humbly take it. I ask the Railway Member, who, I know, is a just man, who has the interests of every employee at heart, to consider the advisability of establishing a Complaints Department on every Railway so that they may be able to consider these cases and save the Railway Board the trouble. I myself have before the Railway Board today now at least a dozen serious cases about which I have received no information so far. I have before the Agent of the E. I. Railway a case in which a superior officer illegally used a special train in the performance of an illegal duty—the unlawful hounding of a humble subordinate. This officer was the Divisional Superintendent, Moradabad. A most serious charge was made against that officer by me for a most cowardly attack on a subordinate and his parents and I consider that the Agent of that Railway ought to have severely punished that officer and other officials concerned. He should have been suspended and reduced in grade for this heinous offence. This would have certainly been done had the offender been a subordinate. But what has he done? I ask the Railway Board to call for all papers in this matter and deal with the official. These rights of appeals, I think, can only be countered by the appointment of a Complaints Committee and I again appeal to the Honourable Member to sanction such bodies or to alter the appeal rules.

Now, I come to another very important question, namely, indebtedness. This House knows as well as I do and I shall not labour the point that the greatest curse of the Railway Administration from top to bottom, with very few exceptions, is the curse of indebtedness. A person who is in debt cannot be a good worker and there cannot be two opinions about it. (Interruptions.) I am not going to answer any questions as to why Railway servants get into debt and borrow or why do they steal. I only desire to state, which my Honourable interrupter knows to be a fact, that they are in debt for causes avoidable and unavoidable. I am not going into those causes, but I may tell you that, amongst many of the causes, there is the high cost of sickness and the high cost of education. Those are the causes with which I am personally familiar and, of course, when you have a large family your expenses increase. In this connection, possibly, it might do more good to the Railway Board if, instead of having Statistical and Sports Officers, they appointed Birth Control Officers and sent them to the various villages in India and their Railway Stations. However, the fact that indebtedness is rampant is undeniable. There are people who do not draw even an anna as their salaries. And why? Because their expenses are high. I am saying this of my own community and the case of the Indians is just the same. The result is that these employees go to the various railway organisations that lend money and, after they exhaust all the money that they can obtain there, they next go to the Kabuli money-lender and get money at exorbitant rates of interest from 60 or 70 per cent. I can assure the House that I have myself seen on pay days a dozen Kabuli money-lenders standing at the gates of Railway houses waiting for their money. Now, this question must be seriously considered by the Railway Board. It can no longer be toyed with. I myself went into this matter carefully two years ago, and I submitted a very exhaustive note to the Railway Board. I have been told by the Railway Board that my note was to be discussed at the Agents Conference; I have also been told that the matter is under consideration. I do not know, Sir, where the Railway Board keep their caps of consideration. Everything seems to be placed under their consideration. Then, Sir, there is the question of the report of the Labour Commission. The Chairman of the Labour Commission has himself made a definite statement on the seriousness of this indebtedness and has made certain recommendations and he told me personally that he had left with the Government of India two clauses of an Act which he recommended Government to pass to prevent any salaries of any officer of any grade being legally attached for indebtedness. I said that such a measure would amount to commercialising dishonesty, but he turned round and said: "If you pass this Act, you will prevent the money-lenders from lending money which is the root cause of the evil and which will at once stamp it out". I beg of the Railway Board to consider the scheme which I put before them some time ago. It might be possible under that scheme to do something that may be of benefit to these unfortunate employees. For Heaven's sake do not shelve the matter any longer and go on saying that you are still considering it. You have to interest yourself in this matter, otherwise you are not doing your duty and you rightly deserve the censure that has been so vociferously advocated by my Honourable friend, Mr. Lalchand Navalrai.

**Mr. Lalchand Navalrai:** I do not wish to censure Government for this indebtedness.

**Lieut.-Colonel Sir Henry Gidney:** Sir, I have one or two other matters I wish to talk about. My Honourable friend, Mr. S. C. Mitra, has again dragged a red herring across my way and the floor of this House and pointed out figures that I think he has extracted from Mr. Hassan's book. He pointed out those figures to show the comparative favourable position of the Europeans and also the position of the Anglo-Indians in certain select departments. But he conveniently forgot the fact that in these days of Indianization, Anglo-Indians are as much entitled to posts as the Indians are. He has apparently forgotten the fact that there is a new mentality in this country today. Sir, he has always tried to drag this red herring across my path to irritate me into saying something that I do not wish to say. But I do want to say to this House, with all the emphasis that I can command, that the question of communal representation as portrayed and emphasised by Mr. Mitra has, I am afraid, misled this House. His facts are absolutely misleading and comparatively incorrect. Mr. Mitra referred to appointments carrying a pay of Rs. 250 and above. Now, Sir, this House must realise that these appointments are today held by Anglo-Indians, Europeans and domiciled Europeans, 60 per cent. of whom are nearly 50 years of age today and will, after five years, become superannuated. You will then have the opportunity to take off their shoes. But do not try to deprive them of their shoes, before they have actually finished their careers. Those appointments are naturally occupied by persons who have rendered long service to the State and when Mr. Mitra was a youngster they carried him in his Railway journeys. They for years waved the green signal and drove the locomotive whenever he left Calcutta. The Bengalees did not venture on such employment as had the dangers of a driver; and so it was the venturesome Anglo-Indian who alone carried on the work of the guard and the engine driver. It is because of his long and efficient service that he has risen to the top and he is now reaping the benefit of it. Your time will soon come—you have but to wait. But in frequently quoting 70 or 80 per cent. of Anglo-Indians in these few appointments, my friend, Mr. Mitra, has cunningly concealed the percentage of Hindus, especially Madrasis, who form over 90 per cent. of certain sections in the Audit and Accounts in the Railways and in which Anglo-Indians barely hold 1 per cent.—why expose one and hide the other? Sir, the Railways are best administered by those who have brain and brawn . . .

**Sir Muhammad Yakub:** And brown colour too.

**Lieut.-Colonel Sir Henry Gidney:** And brown colour too if you so like—the colour you and I possess,—and the Railway Agents are instances of that. Tell me of one Railway Agent today who is a B.A. or B.Sc., not to mention an M.A. or M.Sc. They are generally Junior Cambridge or Senior Cambridge men, and have the Railway Board demanded B.A.'s, M.A.'s and M.Sc.'s from them for these posts and yet they are in most cases efficiently doing their work. Is a B.A. a better guard and does a man use a Hayman-Mohindra punch better if he is a matriculate or an I.Sc.? What you want is men with brain and brawn. The Anglo-Indian possesses these qualities in abundance; he has not got locomotives in his blood, rather he has imbibed these qualities in his mother's milk; he has for a century served the country and the Railways well; indeed he has helped to build the Railways of today, and it ill becomes my Honourable friend, Mr. Mitra, to put up his figures in the insidious and misleading way that he did

merely to show to the House that Anglo-Indians have a monopoly of certain jobs. After all, we only have about 14,000 jobs out of nearly one million Railway appointments. If efficiency is taken as the test, and efficiency in this country means knowledge of English, and the knowledge of English for these jobs means knowledge of the secondary standard, you will find that the statistics of the standard of English education in this country will show that of the total educated in this country in English the Anglo-Indian community forms seven per cent. Therefore, he is entitled to seven per cent. of the jobs in this Government. I say: Give the community seven per cent. and they will have 58,000 jobs for the taking; today they only have 26,000. I offer this fact for the serious consideration of my Honourable friend, Mr. Mitra. But I would ask him for goodness' sake do not again draw that herring across the floor of this House when I want to be your friend and you want to be mine; and if you are going to make any good out of India, we will and we must do it together. If you are going to improve matters and make the Railways pay, you and I will do it together and the only way to do it is to stop drawing of any more red herrings across my path. Let us grasp hands and, as friends, endeavour to ameliorate the lot of our Railway workmen—Europeans, Anglo-Indians, Hindus, Muslims alike—and let us no longer think, criticise or act, in term of antipathy or antagonism. Indeed, let co-operation be our slogan for the good of the Railways, and the good of our common motherland—India.

**Mr. P. R. Rau:** Sir, my Honourable friend who moved this motion began his diatribe against the Railway Board by accusing them first and foremost of a lack of imagination. I am sure the charge cannot be levelled against my Honourable friend. The figures that he gave to you today are proof positive of his imagination. When I heard him repeat,—good politician as he is, he knows the advantage of repetition,—when I heard him repeat his statements of yesterday about the lakhs of rupees that have been lost to the Railways through the coal policy of the Government of India,—lakhs which by a certain mysterious process suddenly turned into crores,—I was reminded of the story of the ardent but unlucky angler who being ashamed of telling his friends of his ill success bethought him of a plan of every day multiplying his catch by ten before announcing it. That, however, did not succeed on every occasion, because sometimes his catch was nil. So he improved his original plan by adding ten to his original catch and then multiplying it by ten. The figures that my Honourable friend has given seemed to me to be based on some such plan.

Let us take the various figures that he has given today. First, Sir, he told us about the coal purchase policy of Government and he quoted from a press report to the effect that a saving of 20 lakhs had been made on purchase this year. Now, Sir, it will be found from the memorandum on the Budget, placed before this House, that we expect a saving of 25 lakhs next year as compared with this year. This is not due entirely to a saving in the price of coal. It is due to various factors; it is due to lower consumption; it is due to certain reductions in sea freight that we have; it is due to the fact that for consumption on the Great Indian Peninsula Railway we have purchased coal nearer the place of consumption, the source of supply being in the Central Provinces. For all these reasons we have saved about 25 lakhs. The fall in the price of coal has of course something to do with it. I believe that on

[Mr. P. R. Rau.]

the average we have paid this year about seven annas lower than we paid last year. But, Sir, I do not think that my Honourable friend is justified in claiming that any fall in the price of coal is entirely due to the attacks he made upon the Chief Mining Engineer last year. (A Voice: "Partially.") Sir, it has to be proved that the fall in the price of coal is the direct result of these attacks. There have been falls in the prices of various materials. For instance, in our sleeper contracts, that we let this year, we have saved over one rupee per sleeper. Is that due to my Honourable friend's attack on the Chief Mining Engineer? These are due to economic causes, due to the operation of the law of demand and supply. The coal trade is in a bad position and, in order to retain their custom, they had to tender at lower prices than they ever tendered in the past. And, if I may say so with reference to certain remarks that fell from Mr. Mitra, the fact, that we have at our back a number of collieries which are enough to meet all our requirements if we chose to work them to their full capacity, is one of the reasons why we got prices at this level.

**Mr. S. C. Mitra:** It may be due to the principle of accepting the lowest tender now, which you did not do before.

**Mr. P. R. Rau:** To the best of my recollection, the policy of the Railway Board this year has been exactly that followed in the past.

**Sir Cowasji Jehangir:** May I ask another question? Is bought coal cheaper by seven annas? Is the market rate of coal lower by seven annas all over India?

**Mr. P. R. Rau:** Sir, I can only speak about the prices at which we purchased; I have not made any inquiries at which other people purchase.

**Sir Cowasji Jehangir:** Then you are making the same mistake that Mr. Ghuznavi made. You want to disprove Mr. Ghuznavi and you say you bought cheaper because of a fall in the price of coal, but you do not make inquiries about the market price. Your cheaper price may have been due to a change of policy.

**Mr. P. R. Rau:** My point is that there is no change of policy.

**Mr. S. C. Sen:** Sir, is it not a fact that the price of market coal this year is less by about 12 annas than last year?

**Mr. P. R. Rau:** I have no information on that point, but I can inquire.

**Sir Cowasji Jehangir:** I can tell the Honourable Member that it is a fact that the market rate of coal is lower today.

**Mr. P. R. Rau:** I am obliged to my Honourable friend. When we call for tenders for purchases of coal to the extent of about 22 lakhs, I think we have a right to expect as reasonable prices as the trade can give us.

Next, incidentally, my Honourable friend said that the Bombay, Baroda and Central India Railway had refused to take the advice of the Chief Mining Engineer this year and purchased their own coal. To the best of my information, this is not correct.

Then, the second point raised by my Honourable friend was about the shipments of coal to the M. & S. M. and the South Indian Railways from Calcutta. He estimated that we were losing about 15 lakhs a year on this account. Now, Sir, that point was raised by the Railway Board about two years ago and it was because of the fact that we had to convince the Railway Companies that were concerned that the conveying of coal by sea was not cheaper to them than by rail and we had to give them inducements to take their entire coal by rail that a certain delay had occurred. I am glad to tell the House that we have from this year arranged that the railway rates on the B. N. Ry. should be reduced to a certain extent, and, after considerable pressure from the Board, and an assurance that if there is any definite loss to any of the Railway Companies concerned, we will reimburse them for it, it has been arranged that practically all the M. & S. M. and South Indian coal which is not covered by contracts already entered into shall be taken by rail.

The third point raised by my Honourable friend was that of the coal raising contracts. I am perfectly prepared to give him full credit for bringing to the notice of the Railway Board and everybody concerned this question of tenders not being called for coal raising contracts, and I may also inform the House that we have taken action to see that, as soon as the present contracts permit us, we shall call for tenders for these contracts, and we hope that we shall get certain definite advantages out of it. But, Sir, the figures given by my Honourable friend are quite incomprehensible. He talks of 30 lakhs—today I think it was suddenly increased to 40 lakhs—30 to 40 lakhs of rupees by a reduction in the rates that we pay for coal raising contracts. Now, 40 lakhs of rupees divided by 11 lakhs of tons is over Rs. 3½ a ton. At present we pay for quarry coal at Kargali, for instance, about Re. 1-3-0 a ton for raising. Now, if we can get it Rs. 3-8-0 cheaper it means that the poor contractor has not only to do the work for us, but to pay Rs. 2 in addition for the privilege.

**Mr. A. H. Ghuznavi:** What is your actual cost? If you take into account all the cost incurred in the collieries and you take your coal raising contracts, then, as is shown in the books, your cost is four rupees per ton.

**Mr. P. R. Rau:** My friend says that he does not refer to the cost of raising alone, but to the whole cost of the coal. As he has pointed out, our average cost for last year was four rupees per ton. That includes all interest charges, sinking fund and every other conceivable item. Now, Rs. 4 per ton for 11 lakhs of tons is Rs. 44 lakhs. If, as he says, we save Rs. 40 lakhs out of that, then it means that our actual cost will be four lakhs of rupees for 11 lakhs of tons.

**Mr. A. H. Ghuznavi:** What could you save when you had to raise 20 lakhs of tons and 30 lakhs of tons?



**Mr. P. R. Rau:** At that time our cost of raising coal was very much less. In 1927-28, when we raised nearly 20 lakhs of tons, our cost was Rs. 8-5-4 per ton. It seems to me that it is not really necessary to follow my Honourable friend in all his adventures into these figures. I shall leave him to be dealt with by Dr. Ziauddin Ahmad.

There is one further point which I want to refer in connection with this coal raising contracts. My Honourable friend read out a list of figures which showed that the price of raising coal in different collieries was different. That is due to the fact that conditions are different in different collieries. We have got, for instance, at Kargali both quarry coal and pit coal and the rates are different. I am informed by the Chief Mining Engineer that the present rates do not compare unfavourably with the rates that are charged by private collieries, near-by, but that it is obvious that these will have to be tested by calling for tenders.

My Honourable friend, Mr. S. C. Mitra, said that we were trying to delay the evil day when the Public Accounts Committee will look into our accounts. I must explain that we had no desire at any time to delay that Committee. We have prepared a complete memorandum on the subject for the Committee and I believe it is only the difficulty of arranging for a meeting of the Committee with the business of the House in its present condition that is delaying this meeting. I for my part shall be glad of the day when the Public Accounts Committee will have completed its investigation, so that the sword of Damocles will cease to hang over my head.

There is one more point that my Honourable friend raised, namely, the stores accounts of the East Indian Railway, on which I think I should just take one or two minutes of the House. Now, I do not wish to minimise to any extent the seriousness of the position, but, at the same time, I think members of the Public Accounts Committee will remember that the memoranda placed before them explain fully the reasons of this difference of Rs. 54 lakhs in the stores transaction that Mr. Ghuznavi refers to. The position is—I may read from paragraph 2 of the Memorandum of adjustment which was placed before the Public Accounts Committee. It says:

"It will be remembered that, in order to bring order speedily out of the chaos which was existing in the stores accounts of the East Indian Railway before the recent re-organisation, it was decided to start the accounts on a clean sheet, as it were, by taking actual stock of materials lying at depots as on a particular date, bring them on to account at proper prices and then adjust any difference which may arise between the value arrived at thus and the total value remaining at debit of general stores account on that date. The 54 lakhs referred to above represents this difference. When this general stock-taking was taken and the new price ledgers were opened, the main object was to build up the account on a sure basis of fact, so that all subsequent accounting may proceed in a systematic and regular manner."

The point was, Sir, that this represented, to the best of my recollection, only a breakdown in the stores accounting organisation of the East Indian Railway due to the amalgamation of the E. I. R. and O. and R. Ry. accounts and the fact that two different accounts of stores accounting had to be reconciled as best they could, and that there is no clear evidence that there were any frauds perpetrated or anything of that sort, and that the difference of 54 lakhs was, partly at least, due to re-valuation of stores. I do not think, Sir, I have really anything more to say on the questions raised by my Honourable friend, Mr. Ghuznavi, but, as the figures that he gave with regard to the coal policy of Government were likely to lead to misunderstanding, I had to intervene in this debate.

**Mr. C. S. Ranga Iyer:** Sir, I am sorry in one sense to have intervened between Mr. Satish Sen and Mr. Rau, for I recognise that Mr. Sen has expert knowledge of coal, but I did not look behind before I stood up; otherwise I would have postponed my talk on this subject till tomorrow, when I could have prepared my speech.

**Mr. N. M. Joshi:** What subject?

**Mr. C. S. Ranga Iyer:** Mr. Joshi asks "what subject". It is a very legitimate question. I myself, Sir, am not clear in my mind as to what subject we are discussing and if I am not quite clear in my mind as to what is the subject we are discussing today, it is because we are discussing not a token cut—though sometimes some have talked in the manner meant for a token cut—but we are discussing on the contrary the throwing out of the demand on the Railway Board! Let there be no mistake about it. In our party, Sir, we discussed the matter very carefully yesterday and left it as an open question.

**Mr. Amar Nath Dutt:** Over a cup of tea.

**Mr. C. S. Ranga Iyer:** My friend, Mr. Amar Nath Dutt, says we discussed it over a cup of tea. That is perfectly true.

**An Honourable Member:** Poor consolation.

**Mr. C. S. Ranga Iyer:** Whether it is poor consolation or some consolation, I shall presently indicate to the House, for the House must not mince matters when a motion for the wholesale rejection of the Budget on the Railway Board is brought forward. We must be guided in regard to the wholesale throwing out of the demand under the Head "Railway Board" by the experience of this House. When was this motion brought forward first? It was brought forward by the late lamented Pandit Motilal Nehru, who was opposed at that time by men like Mr. Muhammad Ali Jinnah, Sir Furshotamdas Thakurdas and others, because they said they would not practise obstruction. Mr. V. J. Patel, sitting on this side of the House, before he was hushed in the glorious silence of the Chair, said, they had a right to go into obstruction at every stage and they were not going to make an exception of the Railway Board. He was out to obstruct, he said, and that is why his party brought forward a legitimate motion of obstruction on the Railway Board. He did not mince matters; he did not discuss the subject under the guise of coal or the grievances of railway passengers; and, if we are to press this motion to a division, let us not mistake the fact that we are following the lead given by the late Pandit Motilal Nehru.

**Sir Cowasji Jehangir:** And you will go into the lobby against it?

**Mr. C. S. Ranga Iyer:** My friend over there asks, whether I will go into the lobby against it: that question will arise when and if you press it to a division. . . .

**Mr. N. M. Joshi:** I do not think they will do it!

**Mr. C. S. Ranga Iyer:** That reduces the sublime to the ridiculous. Here you are bringing forward a motion for the rejection of the entire demand on the Railway Board, a motion which could have been taken on a Rs. 100 cut. For pride of place, to secure priority of place, if obstruction is not your intention, you have given notice of this motion.

[Mr. C. S. Ranga Iyer.]

When Pandit Motilal Nehru moved that this demand be totally rejected, just as my friend over there, with all the energy and all the eloquence with which he has spoken, moved that the entire demand be reduced to one rupee—he is not so ungenerous, he wants to carry on the administration of the Railway Board with one rupee—the intention was obstruction and if obstruction is the intention, let us make it quite clear. I have practised obstruction in the past, but those were stormy days when our demands were refused for a Round Table Conference. It is interesting to see Round Tablers coming forward in this House and talking the old language. (Laughter.) Let them go out into the country if they dare and denounce the Government as the Congress people have the courage to denounce. Mr. V. J. Patel said, when he moved this motion of obstruction, that he would obstruct here at every stage; he explained to Mr. Jinnah why they brought forward the motion for the total rejection of the Railway Board demand. He said:

*"We would obstruct the Government at every stage and at every step and, if we could help it, we would compel the Viceroy to certify everything that comes up before this Assembly, the Bills, the Resolutions and every thing also. We would compel the Government to carry on this administration not with our consent, but merely by veto and certification, and having done that, it would be our duty to go to our people and tell them 'Here we are; we have done what we can. It is now for you to go in for a non-payment of taxes campaign'."*

The Congress people were honest. I will not associate myself, I may say, with a policy of dishonesty. If you are here for obstruction, if you are prepared to carry on a no-tax campaign out in the country after forcing the Viceroy to certify and to restore the grant, then say so. Do not mince matters. Do not play with words. Otherwise take the usual, the honest, the straightforward course of bringing forward token cuts and say everything that you have got to say, as we have said, if not in the remote past, in the recent past, coal, grievances of passengers and matters of that kind. I do not blame any single Member on this side who has taken part in this debate. What are Honourable Members to do? They must take the opportunity as it presents itself, and express their grievances. When a Round Tabler comes forward and says "Reject the demand", it may not be that every one who spoke on this side had the intention of forcing the Viceroy to carry on the administration by restoration and certification: they merely availed themselves of this opportunity, because they had no other opportunity. (Hear, hear.) It was not possible for them to go on to the token cut: no arrangements have been reached; but speaking for myself, if this motion is to be pressed to a division, I propose to go into the opposite lobby. (Cheers.) We discussed the matter yesterday: we did not arrive at a conclusion that we should throw out this Railway Board Demand. I am bound by the decision of my Party. With all respect to an individual Member of the Party, who wanted to raise a debate on this issue and who had already given notice, because others of other parties and detached Members had given, we did not stand in his way; but, if we are honest about it, let us understand that the implication of this motion can only be what was contained in the statement that the great Pandit Motilal Nehru made while moving it. He said:

*"The motion, as Honourable Members will have observed, is intended to draw attention to the general railway policy pursued in this country, and to condemn it in the strongest possible manner that is open to this House. I fully realise. . . ."*

(Interruption).

I hear that the Honourable gentleman (Sir Cowasji Jehangir) has something to say . . . .

**Sir Cowasji Jehangir:** Not to you: I can speak to my friends, I suppose.

**Mr. C. S. Ranga Iyer:** But I hope the Honourable gentleman will not be audible enough for me. I do not want to hear him when speaking . . .

**Sir Cowasji Jehangir:** I have no desire whatever to interrupt him.

**Mr. C. S. Ranga Iyer:** I see Sir Cowasji Jehangir, the Deputy Leader of the Independent Party, is getting quite excited. I would rather like to hear what he has to say on this motion. To continue my quotation: the late Pandit Motilal Nehru went on:

"I fully realise, Sir, the grave responsibility which rests upon me in adopting this course, but I do so with the confidence born of a deep-rooted conviction that it is the right course to follow. The motion is based upon grievances as old as the railway system itself in this country, and the persistent disregard by the authorities of the best interests of the people. I know, Sir, I am inviting a storm of opposition not only from the treasury benches, but also from more friendly quarters."

Mr. Muhammad Ali Jinnah, Sir Purshotamdas Thakurdas, Pandit Madan Mohan Malaviya—(A Voice: "Lala Lajpat Rai and others.")—I am grateful to my friend, Mr. Amar Nath Dutt, for reminding me of their names. They could not agree with the Pandit. To continue the quotation:

"We are little disturbed by the rise and fall of the official barometer, but when the centre of disturbance is shifted to other parts of the House it does become a matter for serious consideration. Let me assure the House"—*said the great Pandit with his usual courage, reasoning and eloquence*—"that we have given the matter our most anxious and most serious consideration and that nothing but a compelling sense of duty to the country could have induced us to take this extreme constitutional course":

because Pandit Motilal Nehru had then demanded a Round Table Conference, but he got the Simon Commission in return—or was going to get it; his constitutional demands had been rejected. He continued:

"Sir, the grievances that I have spoken of have been accumulating for the past three-quarters of a century and they have now reached the stage at which *nothing short of a complete refusal of supplies would meet the situation*. We are not adopting the usual course" (*mark these words*) "of moving small cuts of Rs. 100 or so which is done with the intention of drawing attention to some matter of policy or to convey a mild censure for something which has been wrongly done or omitted to be done. We think that the matter is far too serious to be dealt with in that way and that the only proper way of dealing with it is to apply most strictly the principle, '*grievances before supplies*'."

Sir, I regret the turn the debate has taken. I regret the motion. I associate myself with many of the grievances that have been mentioned by Honourable Members. I also wholeheartedly associate myself with some of the grievances referred to by my friends, Mr. Mitra and others. I believe my friend, Mr. Joshi, will speak on the railway passengers' grievances, labour grievances and others of that kind, and I may be very much in agreement with him. But, Sir, I do not agree with the purpose of this motion; I do not agree with the proposal for the wholesale rejection of this grant, for the very simple reason that such a thing can only be done by concerted action and consultation. *The circumstances do not ask for*

[Mr. C. S. Ranga Iyer.]

*that concerted action.* At any rate, if some Honourable Members had thought that there was necessity for that concerted action, leaders of parties would have met and decided the matter. I oppose the motion as it stands. I associate myself with much of what has been said about the grievances.

**Mr. S. C. Sen:** Sir, I do not wish to tire the House with a long speech, nor do I wish to pose as a disinterested party, having only to espouse the public cause in this matter. I may say at once that I am a person interested in coal. I have a coal mine and I am a member of the Indian Coal Mining Federation, and I have, as a Solicitor, about 90 per cent. of the Indian coal mine owners as my clients. I have led deputations to the Honourable the Commerce Member on behalf of the coal merchants, and, therefore, I am in a position to say something about the position of the coal trade from practical experience and practical knowledge . . . . .

**Captain Sher Muhammad Khan Gakhar:** Not with any personal interest?

**Mr. S. C. Sen:** My friend, Mr. Ghuznavi, said that he had no personal interest. Sir, he was for some time a Director of several Companies, and it will be very interesting to know whether he paid for his shares with which he qualified himself as a Director. . . . .

**Mr. A. H. Ghuznavi:** That is for the auditors to find out, and not for you.

**Mr. S. C. Sen:** I know the facts, Sir, because I was present at the meetings of these Companies when this question was raised.

Now, Sir, it is quite true that the rates quoted this year for tenders are much lower than last year, but the reason for it is not what was stated by Mr. Ghuznavi in this House, that is to say, by reason of his public spiritedness in bringing these matters for discussion last year; it is because the coal trade is in a very bad way; the industries which alone can take coal in large quantities are in a very bad way, and, therefore, the coal market fell considerably during the year. I may say from personal experience that the person to whom I sold coal last year at Rs. 3-8-0 now demands coal for Rs. 2-14-0, and today I have received a letter from him asking me to further reduce my price to Rs. 2-12-0. That is the position of the coal trade. Slack coal was sold last year at Rs. 2-10-0, and this year you can get it in any quantity at Re. 1 or Rs. 1-14-0 . . . . .

**Mr. G. Morgan (Bengal: European):** Lucky even if we can get that.

**Mr. S. C. Sen:** Lucky even if we get that, as Mr. Morgan says. That is the reason why there has been a fall in the price of coal offered to the Railways. That much, Sir, shows how far the Honourable Mr. Ghuznavi has saved the country from further losses. Of course, he was disinterested, as he himself stated in the House, and so something ought to be done to convey the thanks of the House to him for his public service in connection with the coal purchase, in addition to what has been done for him by conferring at his instance the title of Rai Sahib on one of his patrons.

**Mr. N. M. Joshi:** Who is that?

**Mr. S. C. Sen:** He is the son of one Mr. Shuklal Karnani, the proprietor of the firm . . . .

**Mr. A. H. Ghuznavi:** I did not make any personal attacks in my speech.

**Mr. S. C. Sen:** He is the son of one Mr. Shuklal Karnani, the proprietor of the firm in which Mr. Ghuznavi was a Director for some little time.

Then, Sir, we have heard something about the B., B. and C. I. Railway contract, and Mr. Ghuznavi said that in this matter they, *viz.*, the Railway did not take the advice of Mr. Whitworth. I accept the statement of Mr. Ghuznavi, and if that be so, what is the result? They purchased coal at Rs. 3-6-0 from one of the Companies of which Mr. Ghuznavi was a Director and this particular Company has now quoted Rs. 2-12-0 for their coal. That is the result of not taking the advice of Mr. Whitworth.

Then, Mr. Ghuznavi said something about railway collieries, and I believe my friend Mr. S. C. Mitra, also said something to the same effect, about the railway collieries, and I fully agree with them that the railway collieries are now run at a huge loss. Three crores and 56 lakhs have been invested by the Railways in these collieries. These collieries last year produced coal to the extent of about 11 lakhs of tons, and the price comes to about Rs. 4 per ton. This coal could be purchased from the market for Rs. 2-12-0 or Rs. 2-8-0 as the coal is of an inferior quality. But what is the Railway Board to do? They have either to look to the interest of the ordinary colliery owners and coal trade or to look after their own interests. They have this year taken one-third coal from the railway collieries and two-thirds from the public for the Railway, for which they deserve the thanks of the public, because, if the Railway Board had not taken from the public collieries, all the collieries in Bengal would have been closed by now. If they had not taken the one-third quantity of the coal from their own collieries, the market price of coal would have gone up; on the other hand, as these collieries are fitted to raise an annual output of 50 lakhs tons, if they had taken all the coal produced, the balance, after their requirement, would have been sufficient to flood the market with cheap coal but they took only 11 lakhs tons with a view to keeping alive the public coal trade. The logical conclusion of all this criticism which has been made here would be this, that either they should shut down their collieries or go on at full speed. If they go on at full speed, they know perfectly well that all the collieries in Bengal will have to be closed down, and, therefore, with a view to preserving these collieries, to preserving the coal owners and coal trade of Bengal, they have to suffer a slight loss, and for that loss we hear so much criticism in this House. Instead of thanking the Railway Board for the loss which they have inflicted on themselves simply for the purpose of preserving the collieries and the coal trade of Bengal or, keeping alive, I should say, the colliery-owners of Bengal, they are being criticised and their whole existence has been sought to be taken away . . . .

**Mr. A. H. Ghuznavi:** We are here to look after the Railway interests, and not the interests of the colliery-owners.

**Mr. S. C. Sen:** What is the Railway interest? Is it not the interest of the whole country?

**An Honourable Member:** Tax-payers.

**Mr. S. C. Sen:** The colliery-owners are also tax-payers. Are they not tax-payers?

**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): Not individuals.

**Mr. S. C. Sen:** I do not say individuals, but the colliery-owners and dealers in coal are tax-payers and they are as much entitled to be protected by the State as any other trade and specially as in this case the competition is with the State. Take the principle of the Tariff Board recommendations. What are they for? Are they not for the protection of the trade and commerce of the people of the country, to preserve the existence of the people who deal in certain kinds of commodities?

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Capitalists.

**Mr. S. C. Sen:** Not capitalists. Capitalists must exist in every country.

**An Honourable Member:** Not the Bombay millowners.

**Mr. S. C. Sen:** I do not care whether they are for the Bombay mill-owners or for anybody else . . . .

**Mr. S. C. Mitra:** Our suggestion was that the Government coal mines might be given out on lease and the whole quantity of coal might be purchased from the Bengal coal mine-owners. That was our whole point.

**Mr. S. C. Sen:** The question then comes back to the same point. If there is over-production and there is nobody to purchase it, there will be difficulty again. Who can take 50 lakhs of tons of coal raised from these collieries in addition to the coal produced from private collieries? What will be the general position of the coal trade?

**Mr. G. Morgan:** Very bad.

**Mr. S. C. Sen:** The only remedy will be to close down the collieries, but what about the royalties which the state collieries have to pay? These are the points that I wish to raise and these are the difficulties which are to be faced in this matter and I do not think that any person is justified, having regard to the difficulties I have explained, to ask that the whole demand for the Railway Board should be reduced to the absurd figure of rupee one.

**Sir Cowasji Jehangir:** It is a great pleasure to hear my friend, Mr. Ranga Iyer's speech and when he was quoting extracts from his old leader's speeches in this Honourable House, what impressed me most was the great change that has taken place not only in my Honourable friend's political views, but also in his personal appearance.

Mr. Chairman, we have had a most interesting debate and I agree with my Honourable friend that this has been a continuation of yesterday's debate. It has been a debate practically on the whole railway administration in India. I have only one point to bring to the attention of my Honourable friend who is in charge of this Department. We have heard a good deal about Indianisation. But what attention has been paid to Indianisation when the Department was compelled to retrench some officers? That is the question I propose to ask my Honourable friend. Instances have been brought to my notice of young Indians with the highest qualifications obtained in England who have been retrenched after seven or eight years service in the Railway Department. I would ask my Honourable friend whether a searching inquiry has been made, whether he himself has gone into the question, as to whether such men who were retrenched were retrenched justly, whether officers were not retained in the Department who had a lesser claim on the Department than these young Indians with English qualifications and with eight or ten years service to their credit. When we talk so much of Indianisation, I do think that the Railway Board itself ought to have paid greater attention to the question of retrenchment. I have not been able to examine these cases with the thoroughness with which I would like to have done, but my examination, so far as it goes, shows that there was some injustice done. When I say this, I do not mean that they should have been kept on, because they were Indians, and others retrenched, because they were not Indians. I do think that a closer examination of these questions should have been made by the Railway Board itself. It is causing a considerable amount of dissatisfaction, dissatisfaction which the Railway Board will come to hear of later on in a much more pronounced form than it has assumed today. I trust that the Honourable Member in charge of the Department will look into this question when the Railway Board itself maintains that Indianisation is their policy.

**Mr. N. M. Joshi:** I should like to speak, but there are only five minutes left. People are not standing up, because it is late and it would be much better to adjourn the House. I should like to have your ruling, Mr. Chairman.

**Mr. Chairman** (Sir Hari Singh Gour): I should sit till five o'clock. The Honourable Member can begin his speech and continue it next day.

**Mr. N. M. Joshi:** Before I go to the main points of my speech, I should like to say a word with regard to the method by which we have proceeded to discuss the demands for grants. I feel, Mr. Chairman, that it would have served the purpose of discussion and the ventilation of grievances much better if we had not spent this day in general discussion which we had carried on yesterday. But unfortunately as the two Parties in this House, which are supposed to be organised, but which, Mr. Chairman, I regret to say, are more disorganised than organised, do not come to an agreement, there is absolutely no alternative to a Member like myself who has no Party to back up, but to take part in this general discussion again. The question which I propose to place before this House at the outset is the question of the grievances of the third class passengers. When I spoke yesterday, I gave one or two figures and today I shall begin by quoting a few more figures. These figures are given in Vol. II of the Report published by the Railway Board. I shall first take



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some figures given on page 10 as regards the number of seats which the Indian Railways possess for their passenger traffic. The Indian Railways have at present in stock 40,000 first class seats. They have got 65,000 second class seats, and 1,160,000 third class seats. This is the rolling stock for the passenger traffic. With this rolling stock the Indian Railways carried during the year 1931-32 508,000 first class passengers, 5,987,000 second class passengers and 487 million third class passengers. Now, Mr. Chairman, if we manipulate these two sets of figures, namely, the number of seats available and the number of passengers carried, we get approximately this result—the Railway Board has in its possession one first class seat for every 12 first class passengers. One seat is used during 365 days 5 P.M. only 12 times. Then, as to a second class seat, . . .

**Mr. Chairman** (Sir Hari Singh Gour): How long is the Honourable Member going to take?

**Mr. N. M. Joshi:** I think, Sir, I shall take more than half an hour.

**Mr. Chairman** (Sir Hari Singh Gour): The House stands adjourned till 11 o'clock on Thursday morning.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 23rd February, 1933.











